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NATIONAL ASSEMBLY OF PEOPLE'S POWER

Law 156/2022 “Family Code” (GOC-2022-919-O99)

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NOTE: This edition of the Official Gazette of the Republic of Cuba publishes Law No. 156 "Family Code", dated July 22, 2022, endorsed by the President of the Republic on September 26, 2022, upon ratification by Popular Referendum held on September 25 of this year.

NATIONAL ASSEMBLY OF PEOPLE'S POWER

GOC-2022-919-O99

JUAN ESTEBAN LAZO HERNANDEZ, President of the National Assembly of People's Power of the Republic of Cuba,

I HEREBY MAKE KNOWN: That the National Assembly of People's Power, in the session of July 22, 2022, corresponding to the Ninth Ordinary Period of Sessions of the IX Legislature, has considered the following:

WHEREAS: The emancipatory conception of the family that guides the transformation of Cuban socialist society intertwines social and personal interests, promotes its development, contributes to the formation of new generations, and satisfies the deep human, emotional, and social interests of the individual.

WHEREAS: The Constitution of the Republic of Cuba, approved by popular referendum on February 24, 2019, and proclaimed on April 10 of the same year, in its articles 81 to 89 endorses a regulatory framework consistent with the family pluralism that coexists in Cuban society, which must be protected, and in other precepts establishes values, principles, rights and guarantees that have a direct impact on families and their responsibility to society.

WHEREAS: The Family Code, Law No. 1289 of February 14, 1975, constituted a milestone in the promotion of ethical principles, supported by new moral and social values of Cuban families and strengthened the actions of the Cuban revolutionary State in pursuit of effective equality among its members through the development of public policies aimed at the protection of girls, boys and adolescents, and the empowerment of women.

WHEREAS: Cuban society has evolved and the characteristics of families have changed substantially in relation to other previous moments, influenced by several sociodemographic factors, the transformations in the economic model, the vision of the rights to found and live in a family, those of children, those of older adults, those of people with disabilities and those of those who

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may be in any situation of vulnerability, as well as the transformations within the home with respect to the more equitable distribution of domestic and care work, all in accordance with the principles of equality and non-discrimination.

WHEREAS: 47 years after the enactment of the current Family Code, it is essential to introduce modifications that integrate the experiences obtained in its application, resolve family matters that require immediate and specialized legal measures, perfect and expand legal figures based on real situations that arise, taking as a basis relations of equality, founded both on the biological and affective aspects, in the solidarity inherent to this social group and in human dignity as the supreme value that supports the recognition and exercise of the rights and duties enshrined in the Constitution of the Republic of Cuba, the international treaties in force for the country and in this Code.

WHEREAS: The content of the Code presented here summarizes the results of scientific research, valuable criteria, and proposals from the Commission for the Care of Youth, Children, and Equal Rights of Women of the National Assembly of People's Power and the Federation of Cuban Women, which for years led the preparation of various draft amendments to the Family Code, in conjunction with the Cuban Society of Civil and Family Law of the National Union of Jurists of Cuba; with the participation of the Ministry of Justice, the Supreme People's Court, the Attorney General's Office, the National Organization of Collective Law Firms, the Ministries of Education, Higher Education, Labor and Social Security, Public Health, Foreign Affairs, the National Center for Sexual Education, and other organizations, institutions, and professionals in the multidisciplinary field.

WHEREAS: The provisions of this Code demonstrate the Cuban State's willingness to adapt its internal regulations to comply with the obligations arising from the international treaties in force in the country, which affect family matters, as provided for in Article 8 of the Constitution of the Republic of Cuba.

WHEREAS: This Code contains in its essence the contributions of Vilma Espín Guillois, who as President of the Federation of Cuban Women, dedicated her life, as a true educator, to the effort to achieve the greatest justice for all people and to make the lofty purpose of Martí of human improvement a reality in order to achieve a society without any discrimination.

WHEREAS: The precepts of this Code are enriched by the contributions of the Cuban population in the specialized consultation carried out between September and October 2021 and the popular consultation carried out between February and April 2022, which greatly strengthened its content.

THEREFORE: The National Assembly of People's Power, exercising the power conferred upon it by Article 108, paragraph c) of the Constitution of the Republic of Cuba, approves the following:

LAW No. 156

FAMILY CODE

TITLE I

PRELIMINARY PROVISIONS

Article 1. Scope of application. 1. The rules contained in this Code apply to all families, regardless of their organizational form, and to the legal-family relationships that arise between their members and between them and society and the State.

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2. They are governed by the principles, values, and rules contained in the Constitution of the Republic of Cuba, the international treaties in force for the country that have an impact on family matters, and those provided for in this Code.

Article 2. Recognition of families. 1. The State recognizes families as the fundamental unit of society, protects them, and contributes to their integration, well-being, social, cultural, educational, and economic development, to the performance of their responsibilities, and creates the conditions that guarantee the fulfillment of their functions as an institution and social group.

2. The different forms of family organization, based on relationships of affection, are created between relatives, regardless of the nature of the kinship, and between spouses or affective de facto partners.

3. Family members are obliged to fulfill family and social duties based on love, affection, consideration, solidarity, fraternity, sharing, cooperation, protection, responsibility, and mutual respect.

Article 3. Governing Principles. 1. Relationships within the family are based on dignity and humanism as supreme values and are governed by the following principles:

a) Equality and non-discrimination;
b) plurality;
c) individual and shared responsibility;
d) solidarity;
e) socio-affectivity;
f) pursuit of happiness;
g) equity;
h) favorability;
i) respect;
j) best interests of girls, boys and adolescents;
k) respect for the wishes, desires and preferences of older adults and people with disabilities;
l) balance between family public order and autonomy; and
m) family reality.

2. These principles can be used as interpretive guidelines for clarification the meaning of the rules and for their integration.

Article 4. Rights of individuals in the family sphere. In addition to those recognized in the Constitution of the Republic of Cuba, this Code regulates the rights of individuals to:

a) Forming a family; b) family life; c) full equality in matters of parentage;
d) that the free development of personality, privacy and personal and family life plans are respected;
e) that girls, boys and adolescents grow up in a happy family environment, love and understanding;
f) full equality between women and men, to the equitable distribution of time spent on domestic work and care among all family members, without overloading any of them, and to respect the right of couples to decide whether they wish to have children, and the number and time to do so, preserving, in all cases, the right of women to decide about their bodies;

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(g) the full development of sexual and reproductive rights within the family environment, regardless of sex, gender, sexual orientation and gender identity, disability, or any other personal circumstance; including the right to scientific information on sexuality, sexual health, and family planning, in all cases appropriate for their age;

h) the protection of motherhood and fatherhood and the promotion of their responsible development;
i) a family life free from discrimination and violence in any of its forms celebrations;
j) harmonious and close family communication between grandmothers, grandfathers, other relatives, emotionally close people and children and adolescents;
k) Self-determination, wills, desires, preferences, independence and equal opportunities in family life for older adults and those with disabilities; and

l) to family care from affection.

Article 5. Rights of children and adolescents in the family. 1. The family is responsible for ensuring that children and adolescents fully enjoy and effectively exercise their rights to:

a) To be heard according to their capacity and progressive autonomy, since their opinion be taken into account;
b) participation in family decision-making that affects their interests;
c) live as a family and enjoy family and community life;
d) parental co-responsibility;
e) receive support and guidance in line with the evolution of their fa- cultures for the exercise of their own rights;
f) the free development of personality;
g) grow up in an environment free from violence and be protected against all forms of discrimination, abuse, neglect, harm or exploitation;
h) physical integrity; i)
health care, education, nutrition, upbringing and general well-being;
j) rest, play, recreation and recreational activities appropriate to their age;
k) identity; l)
information that promotes their well-being and comprehensive development;
m) family communication;
n) honor, privacy and one's own image;
ñ) a digital environment free from discrimination and violence; and
o) protection in exceptional and disaster situations recognized in the Constitution of the Republic of Cuba and, in these circumstances, ensuring their psychosocial well-being and strengthening their resilience.

2. The State develops policies and programs based on the principles governing this Code so that families receive appropriate assistance in the performance of their duties and can perform them adequately, and so that those with parental responsibility assume their duties on equal terms.

Article 6. The right of children and adolescents not to be separated from their mothers, fathers, and families. 1. Children and adolescents may not be separated from their mothers, fathers, and families, unless the competent authorities determine otherwise in special circumstances, in accordance with the law and established procedures, taking into account the necessity, exceptional nature, and temporality of the measure and, at all times, taking into account their best interests.

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2. This separation is considered strictly necessary as a result of serious non-compliance or the impossible exercise of parental responsibilities, and always with the aim of protecting them.

3. Decisions regarding separation should be considered as measures of last resort. resource and reviewed periodically.

4. The State guarantees the right to special protection and assistance to girls, boys, and adolescents who are temporarily or permanently deprived of their family environment, or whose best interests require that they not remain in that environment.

Article 7. Best interests of children and adolescents. 1. The best interests of children and adolescents are a general principle that informs family law, and must be observed in all actions and decisions that concern them, both in the private and public spheres.

2. To determine the best interests of a child or adolescent in a situation specific situation in the family environment should be assessed:

a) Their opinion, in accordance with their capacity to understand, the possibility of forming their own judgment and their progressive autonomy;

b) their identity and specific condition as a developing person;

c) the preservation of family relationships, emotionally close ones in an environment non-family harmonious, free from discrimination and violence;

d) their care, protection and safety;

e) their physical, educational and emotional needs;

f) situations of vulnerability that may be included, including those caused by exceptional situations and disasters recognized in the Constitution of the Republic of Cuba;

g) the effect that any change in situation may have on their daily life; and

h) other relevant criteria that contribute to maximum satisfaction, comprehensive and si- simultaneously, of the rights of girls, boys and adolescents.

3. The best interests of girls, boys and adolescents are appreciated in harmony with the duties of daughters and sons with respect to their mothers, fathers and other relatives in accordance with the provisions of Article 149 of this Code.

Article 8. Importance of grandmothers, grandfathers, other relatives, and emotionally close people. 1. The State recognizes the importance of grandmothers, grandfathers, other relatives, and emotionally close people in the intergenerational transmission of traditions, culture, education, values, affections, and caregiving.

2. This Code regulates the duties and rights established for the best performance of these relationships.

Article 9. Interpretation Criteria. 1. The provisions contained in this Code shall be interpreted taking into account their scope, reach, and principles, in a manner consistent with all applicable national and international legal systems, provided that the latter is compatible with the rights recognized in the Constitution of the Republic of Cuba.

2. In order to interpret them, one must take into account not only the literal meaning of their words in relation to the context and their historical and legislative background, but also their purpose and the social reality of the time in which they are to be applied.

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Article 10. Specialization in family matters. 1. Authorities involved in or resolving matters related to families and their members must have the training and knowledge to ensure their sensitivity and expertise, the acquisition of tools that enable them to prevent, identify, and impede expressions of discrimination, as well as incorporate a culture of peace perspective, a spirit of conciliation, and a sense of justice.

2. The presence of specialists from various disciplines should also be sought, advise, accompany and contribute with their knowledge to the solution of these issues.

Article 11. Reasonableness of decisions in family matters. 1. Decisions adopted in matters of a family nature must be reasonably justified, always taking into account the legal principles and values that inform family law and in accordance with the provisions of this Code.

2. The provisions of the preceding paragraph extend to all authorities involved in matters of this nature, even when they are not of a judicial nature.

TITLE II

ON DISCRIMINATION AND VIOLENCE IN THE FAMILY ENVIRONMENT

Article 12. Discrimination in the family sphere. Discrimination in the family sphere is considered to be any action or omission that has the purpose or result of excluding, limiting, or marginalizing on the basis of sex, gender, sexual orientation, gender identity, age, ethnic origin, skin color, religious belief, disability, national or territorial origin, or any other personal condition or circumstance that entails a distinction harmful to human dignity.

Article 13. Violence in the Family. 1. Domestic violence is expressed through hierarchical inequality within the family and tends to destroy people, coexistence, and family harmony. Its main victims are women and other individuals due to their gender, children and adolescents, older adults, and people with disabilities.

2. Expressions of domestic violence include verbal, physical, psychological, moral, sexual, economic or property abuse, negligence, lack of attention and abandonment, whether by action or omission, direct or indirect.

3. It encompasses violence that occurs in the context of family relationships and occurs between relatives and emotionally close people; as well as violence in which the aggressors and victims have had or maintain romantic relationships.

4. The same treatment is given to acts of this nature committed between persons people with cohabitation relationships, whether family or not.

Article 14. Urgent matters concerning discrimination and violence in the family. 1. All matters concerning discrimination and violence in the family are subject to urgent protection.

2. Anyone who considers themselves a victim has the right to report the incident and request immediate protection from the relevant authorities; likewise, anyone who is aware of such an incident must report it to the authorities.

Article 15. Liability for damages arising from discrimination and violence in the family. 1. Anyone who uses discrimination or violence in any of its forms in their family relationships shall be liable in accordance with family and criminal law.

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2. Compensation for damages and losses caused by discrimination or violence in the family environment, including moral damage, is in proportion to the intensity, persistence and consequences of the act that caused it.

3. Voluntary exposure by the victim to a dangerous situation does not justify the harmful act, nor does it exempt the aggressor from liability, unless, due to the circumstances of the case, the causal link is totally or partially interrupted.

4. The action for the repair of damages and compensation for losses for the Acts of discrimination or violence in the family environment are imprescriptible.

TITLE III

ON KINSHIP AND THE LEGAL OBLIGATION TO PROVIDE FOOD

CHAPTER I

OF KINSHIP

Article 16. Kinship, general scope. Kinship is the legal relationship between two people that makes them members of the same family, and which, without distinction, within the limits established by law and in proportion to the proximity of the relationship, produces certain legal effects, whether permissive, prohibitive, or potentially establishing obligations.

Article 17. Sources of kinship. 1. Kinship originates from:

a) Parentage, regardless of its source or the manner in which it was determined; b) marriage; and

c) the registered de facto affective union.

2. Spouses and members of de facto romantic couples are not related to each other.

Article 18. Blood Relationship. 1. The following are related by blood:

a) People who are descended from each other; and

b) those who, while not being descendants of each other, are descendants of the same person.

2. When the act that determined the existence of a person is the use of assisted reproduction techniques, the relationship is defined in the same way as established by the paragraphs contained in the previous section.

Article 19. Relationship arising from adoption. Relationship arising from adoption has the same effects as relationship by blood, including the exception referred to in Articles 206.1.a) and 308.1.b) of this Code.

Article 20. Kinship by affinity. Kinship by affinity exists, in the same line and degree, between:

a) A person and the blood relatives of his or her spouse or registered partner; and

b) a person and the spouses or registered partners of their blood relatives.

Article 21. Socio-affective kinship. 1. Socio-affective kinship is based on the will and behavior between people emotionally linked by a stable and sustained relationship over time that can justify affiliation.

2. Socio-affective kinship is exceptionally recognized by the competent court and has the same effects as blood kinship, in accordance with the guidelines established in Article 59.2 of this Code.

Article 22. Calculation of kinship. 1. The proximity of kinship is established by lines and degrees; each successive generation forms a degree, and the series of degrees constitutes the line of kinship.

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2. The persons referred to in section a) of Article 18 of this Code form the direct or straight line of kinship, which may be ascending or descending; those referred to in section b) form the collateral line.

3. In ascending and descending lines, the degree is determined by the number of generations between one person and another; in the collateral line, the degree is determined by the number of generations separating them, passing through the common ancestor.

Article 23. Effects. 1. The effects of kinship, within the scope determined by this Code, are:

a) The legal obligation to provide food;

b) the right to family communication;

c) prohibitions on formalizing marriage or establishing a de facto affective union, with the extension provided for in articles 206.1.a) and 308.1.b) of this Code;

d) the hereditary vocation in intestate succession or in favor of specially protected heirs; and

e) others specifically determined in the legal system.

2. Relationship by affinity or socio-affective relationship, where applicable, has the effects regulated in sections a) and b) of the previous section for the cases provided for in this Code.

Article 24. Extinction. 1. Blood kinship is only extinguished by adoption, except in the case of the integration modality referred to in Article 103 of this Code, in which it is decided to maintain the legal parental and kinship ties between the adopted person and their family of origin.

2. Even if the relationship by consanguinity is extinguished, its effects remain in relation to the impediments to formalizing a marriage or to establishing or recognizing a de facto affective union.

3. Relationship by affinity is extinguished at the same time as the marriage bond or registered de facto affective union, although the rights to family communication provided for in this Code are maintained in the corresponding cases and the legal obligation to provide support if the circumstances justify its attribution exist.

4. Socio-affective kinship is only extinguished by adoption.

CHAPTER II

ON THE LEGAL OBLIGATION TO PROVIDE FOOD

FIRST SECTION

General regime

Article 25. Scope. 1. The legal obligation to provide support binds one or more persons providing support to another or more persons receiving support, whether married to each other or in a registered de facto union or related by blood, to provide the latter with what is necessary to satisfy their basic needs.

2. The benefit covers everything essential to meet the needs of sustenance, housing, clothing, health maintenance, recreation, personal and emotional care, and in the case of minors, also the requirements for their education and development.

Article 26. Persons entitled to receive alimony. 1. The following may claim alimony:

a) Minor daughters and sons, to their mothers and fathers, in all cases; and

b) other persons referred to in the following article, if they are in a state of out of necessity due to their vulnerable situation.

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2. A state of need exists when a person lacking financial resources is unable to obtain food for themselves, whether due to age, being enrolled in a national educational institution that makes it difficult for them to regularly engage in paid work, when a disability so requires, or for another reason.

Article 27. Persons obligated to provide support. 1. The following are reciprocally obligated to provide support:

a) Spouses; b) those
who are in a de facto, emotionally united relationship;
c) ascendants and descendants; d)
mothers, fathers and their related daughters and
sons; e) siblings; and
f) uncles and nephews.

2. Socio-affective relatives in the same line and degree as blood relatives are also required to provide food.

Article 28. Bankruptcy of alimony payers. 1. The claim for alimony, when
whether there are two or more people obliged to give them, it is in the following order against:

a) The spouse or de facto emotional partner;
b) ascendants of the closest degree;
c) related mothers and fathers;
d) descendants of the nearest degree;
e) daughters and sons of affinity;
f) brothers;
g) uncles; and
h) nephews.

2. If the closest descendant of degree is unable to satisfy the obligation due to not having sufficient income or property of his own, his descendant takes his place, before the next order comes to him.

3. When the legal obligation to provide support falls on two or more persons, the payment of support is proportional to their respective income; however, in cases of urgent need and due to special circumstances, the court may order only one of them to provide it provisionally, without prejudice to that person's right to claim their corresponding share from the other obligated parties.

Article 29. Concurrence of alimony claimants. 1. When two or more alimony claimants simultaneously claim alimony from the same person legally obligated to provide it, and that person does not have sufficient income to provide for all of them, the following order of preference shall be observed for their satisfaction:

a) Descendants of the closest degree and mothers or fathers in a situation of
disability;
b) the spouse or de facto partner;
c) daughters and sons of affinity;
d) other ascendants of the closest degree;
e) related mothers and fathers;
f) brothers;
g) nephews; and
h) the uncles.

2. However, the court may distribute the fulfillment of the obligation to provide support among the different orders, according to the circumstances of the case, when the alimony recipients lack financial capacity or when the needs of the recipient so require.

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Article 30. Proportionality. 1. The amount of alimony is proportional to the economic capacity of the person who gives them and the needs of the person who receives them.

2. To adjust the amount, everything that the recipient of alimony receives that can be imputed as maintenance without affecting the resources of the person providing alimony is taken into account, to the point that he or she cannot satisfy his or her obligation without neglecting his or her own needs and, where applicable, those of his or her spouse or partner, minor children, as well as mothers, fathers and other persons in vulnerable situations under his or her care.

3. When the income of the person paying alimony cannot be assessed, the court sets the amount from the pension based on other circumstances that demonstrate their financial capacity.

Article 31. Variability. The amount of alimony is reduced or increased proportionally according to the decrease or increase in the needs of the person receiving alimony and the income of the person who would be required to provide it.

Article 32. Method of compliance. 1. The person obligated to provide support must take all effective measures within their reach to ensure compliance with the obligation and may, at their discretion, satisfy it by paying the alimony set or by receiving and maintaining in their own home the person entitled to it, which is only appropriate if provisions relating to the custody and care of the person receiving support are not affected and there are no impediments that make this impossible.

2. In the event of non-compliance, the application of the measures established for this purpose in the Code of Procedure may be requested, without prejudice to the criminal liability provided for in the corresponding legislation.

Article 33. Enforceability. 1. The obligation to provide support becomes enforceable from the moment it is needed by the person entitled to it, but it is not payable until the date it is claimed before the court.

2. An exception is made in the case where the recipient of alimony has not claimed alimony due to domestic violence attributable to the person obliged to provide it, in which case it is paid retroactively from the date on which such situation is proven.

Article 34. Monthly installments. 1. The pension shall be paid in advance in monthly installments.

2. When the recipient of alimony dies, his heirs are not obliged to return what they owe. this would have been received in advance.

Article 35. Non-prescription, non-waiver, non-transferability, and non-compensation. 1. The right to alimony does not expire; it is non-waivable and non-transferable to third parties; nor can it be offset by what the recipient of alimony owes to the person obligated to provide alimony.

2. These rules do not apply to monthly payments accrued but not received.

Article 36. Non-attachability and privileged status. Fixed alimony payments are non-attachable and enjoy priority, in accordance with the provisions of the Civil Code.

Article 37. Statute of Limitations on Monthly Payments. The right of the recipient to claim fixed but unreceived monthly alimony payments expires within three months, except for the exception provided for in Section 2 of Article 33 of this Code.

Article 38. Payment made by a third party. 1. When alimony set by the court is paid by a third party not obligated to pay alimony, with or without the knowledge of the person paying the alimony, the person has the right to demand reimbursement from the person obligated to pay it.

2. This credit enjoys preference and cannot be opposed to the condition of non-seizability of any property, salary, social security benefit or economic income of any kind.

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Article 39. Termination of the obligation. The legal obligation to provide support ceases:

a) By death or judicial declaration of presumption of death of the provider or the food supporter;

b) when the financial resources of the person providing support are reduced to the point where they cannot meet their obligation without neglecting their own needs and, where applicable, those of their spouse, common-law partner, minor children and adult children with intensive support with powers of representation under their care, as well as mothers, fathers and other persons in vulnerable situations under their care;

c) when the beneficiary reaches working age and is not in a situation of disability that prevents him from obtaining them on his own, nor is he incorporated into a national educational institution or in another situation that makes it difficult for him to regularly engage in paid work;

d) when the cause that made the obligation to provide support enforceable ceases;

e) when the recipient of alimony engages in any behavior that violates family solidarity or in any manifestation of violence against the person providing alimony;

f) when the recognition of filiation is declared null and void by a court; and

g) when the link that gave rise to the obligation is extinguished, unless expressly provided otherwise.

Article 40. Supplementary Law. The provisions of this Chapter shall apply on a supplementary basis to other cases where, under this Code or special laws, there is a right to alimony.

Article 41. Exclusion from the legal obligation to provide support. 1. The obligation to provide support does not arise, or, where appropriate, ceases, when the person receiving support has voluntarily and culpably placed himself in a state of need.

2. In cases where, without just cause, this obligation has not been fulfilled in due time by the person against whom the claim is now being made, the competent court may decide on whether or not to exclude the person from the obligation.

SECOND SECTION

On the legal obligation to provide food during pregnancy

Article 42. Scope and Evidence. Alimony may be requested on behalf of the conceived child from anyone considered to be the father or mother of the child, without this constituting proof of filiation or serving to subsequently attribute maternity or paternity.

Article 43. Provisional and Conversion. 1. The legal obligation to provide support during pregnancy is provisional and extends until the end of the gestation period.

2. Once the birth of the alimony recipient occurs, it automatically becomes a definitive obligation for the benefit of the best interest of the newborn, without prejudice to the right of the parties to exercise a filial or alimony action, independently.

Article 44. Reimbursement. 1. If the pregnancy is frustrated for any reason, the alimony The tenant cannot demand reimbursement of the amount paid for food.

2. However, you are entitled to reimbursement if you prove the parent's bad faith in her claim.

CHAPTER III

ON COMMUNICATION BETWEEN RELATIVES

Article 45. Right to communication between relatives. 1. Communication between ascendants, descendants, siblings, and other relatives and emotionally close persons who justify a legitimate interest may only be limited by decision.

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judicial decision based on the best interests of the child or adolescent and for the benefit of the elderly or disabled person, in accordance with their self-determination, wishes, desires and preferences.

2. The communication referred to in the previous section includes all types of face-to-face, oral or written link, even through technological means.

Article 46. Family Communication with Persons with Disabilities. In the case of persons with disabilities, whether mothers, fathers, relatives, emotionally close friends, or children and adolescents, the family communication regime includes all types of language, as well as the most appropriate modes and means of gestural, oral, or technological communication for each individual.

Article 47. Duty to facilitate communication between relatives and measures to be adopted to ensure its protection. 1. Persons who, for any reason or legal cause, are responsible for the care of minors, or elderly or disabled adults, must guarantee the right to communication referred to in this Chapter.

2. In the event of repeated and unjustified opposition to compliance, measures shall be established to ensure the most appropriate communication regime according to the circumstances or, where appropriate, its limitation or prohibition.

TITLE IV
OF FILIATION
CHAPTER I
GENERAL PROVISIONS

Article 48. Equality of parentage. Daughters and sons are equal, enjoy identical rights, and have the same duties toward their mothers and fathers, regardless of their marital status and the source of their parentage.

Article 49. Prohibition of reference to the source of filiation in birth certificates. Birth certificates issued by the Civil Registry do not contain data from which the source of filiation can be inferred.

Article 50. Sources and types of filiation. 1. Filiation may occur through:

a) Natural procreation, which gives rise to consanguineous filiation;

b) the legal act of adoption, which gives rise to adoptive parentage; c)

the expressed will to establish the motherhood or fatherhood of the commissioning persons through the use of any assisted reproduction technique, which gives rise to assisted parentage; and

d) the judicial recognition of the socio-affective filial ties that are built from the possession of the status of daughter or son with respect to mothers and fathers, which gives rise to socio-affective affiliation.

2. Affiliation includes both the ties of procreation and parenthood as well as the social and emotional ties that make a person a mother, father, daughter or son.

Article 51. Effects of filiation. 1. All filiation, regardless of its source, produces the same legal effects.

2. Parentage determines parental responsibility, surnames, and legal obligation to provide food, inheritance rights and other effects established by law.

3. The order of surnames is that established in the corresponding registry legislation, without prejudice to the agreement reached by mothers and fathers to establish a different order at the time of registration of the birth or adoption, and this will remain the same for the rest of the common daughters and sons.

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Article 52. Proof of parentage. Parentage is proven by the certificate issued in accordance with the birth registration record in the Civil Registry, carried out in accordance with the corresponding legal provisions.

Article 53. Proof of filiation by possession of the status of daughter or son. 1. In the absence of a certificate issued in accordance with the birth registration record in the Civil Registry, filiation may be proven by extraordinary and supplementary proof of possession of the status of daughter or son.

2. Possession of status does not in itself prove parentage, but it allows us to presume, in conjunction with other means of proof, who, due to their intention and actions, can be considered mothers or fathers.

3. The facts or circumstances that demonstrate the possession of status require judicial recognition, and the judgment issued once registered in the Civil Registry is the title that serves as proof of filiation and produces full legal effects.

Article 54. Intervention of support for persons with disabilities. The filial rights and actions of persons with disabilities may be exercised by the person or persons appointed as intensive support persons with powers of representation only if based on the wills, desires, and preferences expressed by the person prior to the appointment of the support person.

Article 55. Double filial bond. 1. As a general rule, daughters and sons have have two filial ties.

2. When there is a filial bond, it is considered single parenthood, and with more than two filial bonds, it is considered multiparenthood.

Article 56. Exceptional nature of multiparenthood. 1. Exceptionally, a person may have more than two filial ties, whether for original or supervening reasons.

2. Whatever the cause, the filial bond is legally established with independence on the biological link or genetic component of the people involved.

3. In determining the surnames and their order, if the daughter or son is a minor, the court will take into account what is most beneficial, in accordance with their best interests and respect for their identity.

Article 57. Root causes of multiparenthood. 1. The root causes of multiparenthood are:

a) Cases of assisted filiation where, in addition to the couple, the third person giving the gametes or the surrogate mother, who may or may not provide the egg, as the case may be, also wants to assume maternity or paternity, by mutual agreement with the former; and b) any other case in which, on the basis of the common life plan, expect to conceive a daughter or son by more than two people.

2. In any case, persons who undertake this life project in common to have a son or daughter with another partner, if they are married or have a registered de facto affective union, need the consent of their respective spouse or de facto affective partner in relation to whom the presumption of filiation referred to in Article 66 of this Code does not exist.

3. In the cases referred to in the previous section, if the spouse or common-law partner also wishes to assume maternity or paternity, they must express their wishes to this end before the Civil Registry Registrar, like the rest of the persons participating in the multi-parenting agreement.

Article 58. Supervening causes of multiparenthood. The following are supervening causes of multiparenthood, taking into account the principles of the best interests of the child and respect for the family reality:

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a) Cases of socio-affectively constructed affiliation, without this leading to des-
displacement of already established affiliations; and
b) adoptions by integration.

Article 59. Multiparenthood arising due to socio-affective reasons.
1. In the case of supervening multi-parenthood due to socio-affective issues, after assessing all the concurrent circumstances and hearing the opinion of the minor daughter or son, in accordance with their psychological maturity, capacity and progressive autonomy in the cases that apply, recognition of the filiation may or may not be ordered in favor of those who have requested it.

2. The circumstances referred to in the preceding paragraph relate to the proven presence of a well-known and stable socio-emotional family bond, regardless of whether or not there is a biological relationship between the person and the daughter or son; to the conduct of a person who, as a legal mother or father, has meritoriously fulfilled the duties incumbent upon them by virtue of socially and familially constructed paternity or maternity, and to those whose intention, will, and actions may be presumed to be mothers or fathers.

3. They may also claim the supervening multi-parenthood due to the socio-affectivity, the daughter or son and the prosecution.

CHAPTER II
OF FILIATION BY NATURAL PROCREATION
FIRST SECTION
General provisions

Article 60. Determination. Filiation by natural procreation that gives rise to consanguineous filiation is determined by voluntary recognition made by mothers, fathers, or both with respect to their daughters and sons, by the rules of this Code, or by a court ruling issued in a filiation proceeding.

Article 61. Investigation of paternity. In any paternity process, investigation of paternity and maternity may be carried out using scientifically validated methods and in harmony with the rights to identity and privacy of the interested parties.

SECOND SECTION
On the recognition of filiation

Article 62. Voluntary recognition. Recognition is voluntary when,
If there is no marriage, it is carried out by:

a) Personal statement of the mother and father in a notarial public deed or in the
Civil Registry; when the recognition is made by only one of them, the filiation takes effect only for the one who recognized it; b) by will; c) declaration
contained in a
notarial public deed by the father of the conceived child and not
born; and
d) declaration contained in a notarial public deed in the case of a deceased daughter or son, if there are offspring, expressed by the mother, the father or both.

Article 63. Recognition by will. When recognition is by will, it is registered in the Civil Registry if the daughter or son has only one filial relationship and, if they are of legal age, provided their consent is obtained.

Article 64. Required capacity for recognition. For the recognition of a daughter or son, natural capacity to have conceived the child and capacity for discernment are sufficient.

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Article 65. Recognition of filiation by court ruling. Recognition is determined by court ruling after the exercise of legal actions to claim filiation before the competent court for the purpose of establishing or modifying a filiation relationship.

SECTION THIRD

On the presumptions of filiation

Article 66. Presumptions of marital filiation or filiation arising from a registered de facto affective union. The filiation of the daughters and sons of married persons or persons in a registered de facto affective union is presumed for those born: a) During the duration

of the relationship; and b) within three hundred

(300) days following the termination of the relationship.

Article 67. Presumptions of filiation when there is no marriage or registered de facto union. In filiation proceedings, the following may be alleged as presumptions when there is no marriage or registered de facto union:

a) The statement of the mother or father made in an undoubted document; and

b) the notoriety of the couple's relationships during the period in which they could have taken place the conception.

Article 68. Presumption of maternity. Maternity is determined by the fact of the birth and the identity of the daughter or son, unless proven otherwise.

SECTION FOUR

On the imputation of filiation

Article 69. Power of Attribution. A woman without a formal marriage or registered de facto union who has given birth to a daughter or son has the power to attribute parentage by declaring the name of the parent.

Article 70. Appearance of the alleged father. 1. When the recognition referred to in paragraph a) of Article 62 of this Code is made only by the mother, she may declare the name and surname of the alleged father and the information for his location.

2. The alleged father is summoned to appear before the Civil Registry, being warned that if he does not appear within ninety (90) days, the daughter or son will be registered as his.

Article 71. Omission or inaccuracy of identification data. 1. When the mother does not provide the name and surname of the alleged father, nor does she provide sufficient information to locate him effectively, or the information is inaccurate, or the information provided makes it impossible to cite him, the registration shall be made without stating paternity, stating both of the mother's surnames, or repeating her single surname.

2. The right of anyone who considers themselves a parent to exercise the right to claim their parentage through legal means at any time is safeguarded.

Article 72. Acceptance or denial of paternity. 1. If the parent appears within the deadline established to accept paternity, registration shall be carried out in accordance with the registration legislation.

2. If he is prevented, for just cause, from appearing before the Civil Registry, he may, by means of a public document, accept or deny recognition of paternity within the same established period.

3. If paternity is denied within the warning period, registration is carried out without including the name and surname of the person who has denied paternity, stating both surnames of the mother, or repeating the only one she has.

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Article 73. Recognition of paternity after registration. 1. A parent who seeks to recognize a daughter or son registered solely by the mother, or who, when personally summoned before the Civil Registry Registrar, denies paternity, may recognize the paternity at any time thereafter, requiring the consent of the person who recognized it, of the daughter or son if they are of legal age, or, if they are a minor, taking their opinion into account in accordance with their capacity and progressive autonomy.

2. If the person who must give consent expresses it in a positive sense, it is practiced registration in accordance with the provisions of the registration legislation.

3. If consent is denied by the person who must grant it, it may be determined through a judicial process initiated by the person seeking to recognize it or by the prosecutor's office, as appropriate.

4. The consent of the person who registered it is not required in the cases to which refers to Article 71 of this Code.

Article 74. Acceptance or denial of motherhood. The procedure established in the articles of this section shall be followed with respect to the mother, if the father made the declaration, or in cases of co-maternity.

SECTION FIVE
On the claim of filiation

Article 75. Purpose. The purpose of the action to claim parentage is to determine it when it has not been previously established.

Article 76. Holders of the right to claim filiation. 1. The right to claim filiation of one's own daughter or son from another person corresponds to the person registered in the Civil Registry as the mother or father of the daughter or son.

2. It is also appropriate:

a) To the daughter or son, at any time, after reaching the age of majority;

b) to the legal representative of the minor daughter or son, having heard the latter's interests in accordance with his or her progressive autonomy, or to intensive support with powers of representation in the case of persons of legal age who are in a situation of disability, or failing that, the public prosecutor's office; c) to his or her descendants, in the event of the death of the daughter or son; and

d) the alleged father who is in the cases of articles 71 and 73.3 of this Code.

Article 77. Joinder of actions to claim recognition and challenge established parentage. 1. Any person who considers themselves entitled to recognize as their own a daughter or son previously registered by another person, by virtue of considering themselves the parent, may at any time institute legal proceedings to that end.

2. If the person whose recognition is in question is of legal age, it is a requirement for the proceedings to be substantiated that the action be exercised jointly by the person who considers himself or herself entitled to recognition and by the daughter or son whose recognition is sought.

Article 78. Principal nature of the action for recognition of filiation. 1. In the cases of the recognition action referred to in the previous article, the challenge action is successful if the claim action is also successful.

2. In order for both actions provided for in the previous section to be upheld by the competent court, it must be proven that the intended transfer of filiation is the most beneficial for the child or adolescent, without the provisions contained in articles 56 to 59 of this Code regulating supervening multiparenthood due to socio-affective factors being applicable to the case.

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SECTION SIX

On the challenge of filiation

Article 79. Purpose. The purpose of the action to challenge filiation is to displace a formally determined czar.

Article 80. Challenge to marital filiation or that derived from a registered de facto union. 1. The registration of the birth of a daughter or son of married persons or persons in a registered de facto union, carried out in accordance with the provisions of registry legislation, may be challenged by the spouse or by the member of the de facto union who is not present at the ceremony.

2. The challenge may be based on the impossibility of having procreated the daughter or to the son or in the non-correspondence with biological truth.

Article 81. Challenge to paternity when there is no registered marriage or de facto union. Any person who has not appeared before the Civil Registry to accept or deny the imputed paternity or maternity, resulting in their registration, may challenge it under the terms established in this Code.

Article 82. Challenge to maternity or paternity. 1. Maternity may be challenged on the grounds that the woman is not the mother of the daughter or son who is claimed to be hers when she alleges substitution or uncertainty about her identity.

2. The same right corresponds to the father in similar circumstances.

Article 83. Appeals applicable to children. 1. A child of legal age who was registered during his or her minority may challenge the recognition act contained in the registration as soon as he or she becomes aware of the fact that gave rise to the action or the evidence on which it is based.

2. When the daughter or son is a minor, the exercise of the action corresponds to his or her legal representative, the prosecutor's office or the family defense office.

Article 84. Situations affecting the expression of will. 1. The expression of will may be challenged to carry out the act of recognition contained in the registration who:

a) He acknowledged in the belief of being the parent; or

b) believing that another parent was the parent, accepted or consented to the parent's recognition.

2. The action to challenge the recognition made by someone whose will was affected by any defect in consent corresponds to the person who expressed it, to his or her legal representatives or through the intense support that has been appointed with powers of representation.

Article 85. Expiration of the right to exercise the right of challenge.
The right to challenge the action referred to in this section may only be exercised within six (6) months from the date:

a) From the registration;

b) in which the plaintiff became aware of the impossibility of having pro-created;

c) the discovery of the evidence on which the challenge is based;

d) having known about the substitution, in cases of maternity or paternity; and

e) the situation that prevented him from forming his will by any means has ceased, he has knowledge of the error or fraud, or since the threat has ceased.

Article 86. Continuation of the exercise of the action. In the event of the death of the person holding the active legitimacy to exercise the actions of challenge referred to in this Section, the right to continue it shall be transferred to those who by law would have been entitled to the inheritance, if the latter dies after having filed the action.

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Article 87. Non-contestability of acknowledgment by complacency. Acknowledgment made by the mother's spouse or common-law partner, knowing that he or she has no blood relationship with the mother's daughters and sons conceived or born prior to the beginning of the marriage or common-law relationship, without predetermined paternal filiation, is not contestable, alleging ignorance of the absence of a biological relationship, without prejudice to the right of appeal that may be brought by anyone who considers himself or herself the parent, as provided for in Article 77.1 of this Code.

CHAPTER III

OF ADOPTIVE FILIATION

FIRST SECTION

General provisions

Article 88. Source. Adoptive parentage results from the legal act that judicially authorizes it, subject to compliance with the requirements established for this purpose in this Code.

Article 89. Purpose. 1. Adoption is a legal institution for family protection and social, public order, based on the best interests of girls, boys and adolescents.

2. It is also a form of family integration that aims to guarantee its right to live in a family, ensuring their well-being and comprehensive development.

Article 90. Guiding Principles. 1. For decisions regarding adoption, in addition to the provisions contained in this Code, assessment guidelines are taken into account that promote the protection of the right of children and adolescents to live in a family and consider what is most beneficial for their best interests.

2. Whenever possible, efforts are made to keep the child within his or her extended family of origin or in close emotional environments made up of non-relative third parties with whom he or she maintains a lasting, significant bond.

3. In the case of siblings, efforts are made to ensure that they are not separated before or during the adoption process, and that they are adopted by the same family. If this is not possible, the court must order the adoptive parents to take the necessary measures to maintain communication between the siblings, unless reasonably justified reasons advise otherwise.

Article 91. Rights of adopted persons. 1. Adopted persons have the right to:

a) Know your biological identity and origin;

b) access to the adoption file from the moment they acquire full legal capacity in accordance with the regulations established in this matter in the Civil Code or those that complement it;

c) be registered with the surname(s) of the adoptive person(s), unless exceptionally and for justified reasons a judicial decision is taken to determine another solution, based on their right to identity;

d) keep one of their names, although adopters may add new names;

e) be informed and advised throughout the adoption process of the consequences of their adoption, in accordance with the development of their intellectual faculties and progressive autonomy; and

f) be listened to at all times, taking into account their psychological maturity, capacity and progressive autonomy.

2. If it is a single-person adoption, it is registered with the surnames of the adopter and if it is a joint adoption, the provisions of section 3 of Article 51 of this Code apply.

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Article 92. Nature of adoption. Adoption is full, indivisible, and irrevocable.
once it is judicially authorized.

Article 93. Effects of Adoption. Adoption creates a kinship bond between adoptees, adoptive parents, and their relatives equal to that between mothers, fathers, daughters, and sons, from which derive the same reciprocal rights, duties, and legal effects, including the prohibitions on formalizing marriage or forming de facto affective unions that subsist in relation to the adoptive and original families.

Article 94. Extinction of filial ties. 1. Adoption extinguishes legal filial and kinship ties that have existed between adopted children and their mothers, fathers, and blood relatives, except in the case of adoption by integration, in which case the extinction is limited to one of the lines of kinship, with the exception referred to in the following article.

2. The termination of legal ties with the adopted person's family of origin, and the creation of such ties with the adoptive parent's family, is understood to be without prejudice to the prohibitions referred to in the previous article.

Article 95. Exception to the continued existence of the legal filiation bond with the previous family. The legal filiation bonds of the adopted child with his or her previous paternal or maternal family may continue to exist in the case of adoption by integration, authorized in the manner established in this Code in articles 103 to 108, provided that duly accredited reasons so advise, giving rise to multiparenthood.

Article 96. Adoption between relatives. In the case of adoption between blood relatives, within the limits established in this Code, the legal ties of filial and kinship that have existed between the adopted child and the rest of their blood relatives shall be readjusted.

Article 97. Rule on unilateral adoption. 1. Except for spouses or partners in a registered de facto union, no one may be adopted by more than one person.

2. No person who is married or in a registered de facto union may unilaterally adopt a child or adolescent, except in cases of adoption by integration.

3. If during the adoption procedure, a divorce or termination of the common-law relationship occurs, or one of the applicants dies or is declared dead by a court, the procedure initiated may be continued and the adoption may be ordered for both parties, provided that it is in the best interests of the child or adolescent.

SECOND SECTION

Of personal elements

Article 98. Cases in which adoption is permitted. Only persons under eighteen (18) years of age whose parents are unknown may be adopted, or who, with respect to those who hold parental responsibility:

a) It has been extinguished by death or by a judicial declaration of presumption of death;
b) have been deprived of
their rights; or c) expressly express their wishes for the purposes of adoption.

Article 99. Express manifestation of will for the purposes of adoption. 1. The con-feeling for adoption purposes can be expressed in the following ways:

a) Through the delivery of the girl or boy by the parent in cases where it is appropriate due to the death of the former or by mutual agreement of both, at the time of birth and before registration, through free, express and

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informed, in accordance with the procedures established for such purposes in the corresponding institutions, that it becomes effective once one hundred and eighty (180) days have passed since delivery, without any criminal liability being required for this act; and

b) through a notarial public deed or in the judicial presence of the holders of parental responsibility with express identification of the adoptive person.

2. In any case, the manifestation of will becomes effective in the adoption process. corresponding action, without any compensation, gift or benefit.

Article 100. Requirements for adoption. Persons who meet the following requirements may adopt: following requirements:

a) Be twenty-five (25) years old; b) be able to meet the adopted child's financial needs; and

c) have a conduct that allows us to reasonably presume that he or she will comply with the duties established in Article 138 of this Code regarding the adopted child;

Article 101. Age difference between adopter and adopted person. There must be a minimum age difference of eighteen (18) years and a maximum of fifty (50) years between adopters and adopted persons, except in the cases of adoption:

a) Between relatives, within the limits established by this Code;

b) by integration; and

c) of several brothers, sisters or minors with disabilities. city.

Article 102. Impediments to adoption. 1. The following may not adopt:

a) Persons who do not meet the requirements referred to in Articles 100 and 101 of this Code; b) relatives located in a direct line;

c) persons who have been sanctioned by a final judgment in criminal proceedings as perpetrators or accomplices of crimes related to gender or family violence, or for crimes against freedom and sexual integrity, or against children, youth and the family;

(d) persons who have ever been deprived of parental responsibility for their daughters or sons for reasons that prevent the revocation of that decision; and (e) the guardian until he or she legally ceases to hold office and judicial approval is obtained. mind the final accountability of his management.

2. In adoption by integration, one of the spouses or affective de facto partner does not may adopt the son or daughter of another without the express consent of the latter.

SECTION THIRD

From adoption by integration

Article 103. Adoption by integration. One of the spouses or the affective de facto partner may adopt the daughter or son of the other if the other parent is unknown or if the mother or father of the minor to be adopted consented, has died, or has been deprived of parental responsibility. This does not necessarily extinguish the legal filiation and kinship ties that exist between the adopted person and his or her mother or father and family of origin, taking into account the circumstances prevailing in each case, which may give rise to multiparenthood.

Article 104. Purpose of adoption by integration. The purpose of adoption by integration is to strengthen the existing socio-emotional bond between the adoptive parent and the daughter or son of the spouse or de facto partner.

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Article 105. Essential prerequisite. 1. If a minor maintains a close, frequent, and positive bond with his or her non-cohabiting mother or father, adoption by the spouse or de facto partner of either of them is not permitted.

2. In these cases, the rules governing the rights and obligations of unmarried mothers and fathers apply.

Article 106. Adoption by integration when there is only one filial bond. If there is only one filial bond of origin, the minor whose adoption is sought is inserted into the family of the adoptive person.

Article 107. Adoption by integration when there is a dual filial bond. 1. If the minor whose adoption is being sought has a dual filial bond of origin, and the emotional or personal bond with the other mother or father is nonexistent or weak, and the decision is made to preserve the child's filial bond with the other mother or father, the ties with the child's extended family shall also be maintained.

2. The rules regarding relationships with other relatives of origin are decided according to the circumstances of the case, taking into account the best interests of the child or adolescent and the appropriateness or otherwise of preserving family ties of origin.

3. In the event of the death of the mother or father of origin, the filial ties with her or him and with his or her extended family are maintained without restrictions, unless duly founded reasons advise otherwise.

Article 108. Adoption of one among several of the spouse's daughters or sons. When a spouse or common-law partner requests the adoption of one of the other's daughters or sons, among several, the court must consider whether or not to authorize it, taking into account the interests of the other daughters or sons if they are minors, after hearing them, in accordance with the rules established in the legal system.

SECTION FOUR

On the constitution of adoption

Article 109. Judicial authorization for adoption. Adoption is judicially authorized for validity and legal effects provided that: a) The adoptive parents meet
the requirements set forth in Articles 100 and 101 of this Constitution.
Code;
b) the adopted person is under eighteen (18) years of age and falls under any of the cases in Article 98 of this Code; and
c) there are grounds to reasonably presume that all the requirements are met; requirements referred to in Articles 89 and 138 of this Code.

Article 110. Intervention in the adoption procedure. 1. They have intervention in the adoption process:
a) The child or adolescent, if of sufficient age and maturity, who appears with legal assistance; b) their mothers,
fathers, or other legal representatives; c) the
administrative body that participated in the extrajudicial stage; d) the
prosecutor's
office; and e) the defense attorney's office, where appropriate.

2. In the case of minors being cared for in social assistance centers and homes, the management of these centers prepare the adoption file, where all the necessary procedures are carried out and all the required requirements are accredited, and once completed, subject to the approval of the competent authority, it is delivered to the promoter for submission to the corresponding court.

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Article 111. Other persons eligible to be heard. 1. The adoptive parents' own or joint children must be heard at any stage of the adoption process if they live together, provided they have sufficient capacity and progressive autonomy to express their views.

2. The court may also hear the relatives and other emotional representatives of the person. girl, boy or adolescent whose adoption is sought.

Article 112. Registration of adoption. A judicially approved adoption is recorded in the birth registration entry of the adopted child in the corresponding registry.

SECTION FIVE

Opposition, challenge and nullity of adoption

Article 113. Opposition to adoption. Those who oppose the adoption may object during the substantiation of the voluntary jurisdiction procedure:

a) The mother or father, proving their parentage through certification of the respective birth registration; b) Grandparents, or in their absence, aunts, uncles, and adult sisters and brothers, when they have the minor under their care, provided that they prove this circumstance, as well as the relationship, through the corresponding certifications from the Civil Registry;

c) relatives or third parties with a legitimate interest who duly prove their reason; d) the person exercising guardianship over the minor, whose exercise of this position must be accredited with a certificate issued by the authority in charge of registering the guardianship; e) the person in charge of the social assistance center if, after the delivery of the adoption file, they become aware of other elements that do not advise it; and

f) In any case, the prosecutor's office or the family defense office.

Article 114. Effects of opposition. If opposition to the adoption is raised by any of the persons referred to in the previous article, the procedure shall be in accordance with the rules established in the Code of Procedure, and the right of the interested person or persons to pursue it through the appropriate contentious process shall remain open in all cases.

Article 115. Challenge to adoption. Only the persons listed in Article 113 of this Code may challenge a judicially agreed adoption within six (6) months from the date of the final decision and provided that they justify the reason that prevented them from timely objecting.

Article 116. Ineffectiveness of the legal act of adoption. 1. The interested party or the public prosecutor's office may exercise the corresponding action for nullity or voidability within a period of six (6) months from the date on which the judicial resolution authorizing the adoption becomes final in the following cases:

a) In the absence of any of the established requirements; b) in the presence of defects in consent; and

c) for failure to comply with the legal requirements established for this purpose.

2. Once the expiration period has elapsed without the action for nullity or voidability being exercised, the legal act of adoption is validated, except in the case of the impediments to adoption referred to in sections c) and d) of Article 102 of this Code, cases for which the action does not expire.

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CHAPTER IV

OF ASSISTED FILIATION

FIRST SECTION

General provisions

Article 117. Source. 1. The parentage of persons born through assisted reproduction techniques results from the will to procreate expressed through the consent of the person or persons involved in the process, known as the principals, regardless of who provided the gametes.

2. When the gametes of the commissioning persons are involved, the same rules apply for determining parentage by natural procreation.

Article 118. Scope. 1. The filiation of persons born through reproductive techniques Assisted driving is regulated by the rules established in this Code.

2. The legal provision governing this matter and its complementary regulations regulate the procedures for the implementation of these techniques.

Article 119. Principles governing the determination of assisted parentage. For the determination of assisted affiliation is taken into account, with special emphasis:

a) The will to procreate expressed through consent that complies with the requirements established in this Code; b) the protection of the privacy of the persons involved;

c) the anonymity required by the person donating gametes;

d) the best interests of the daughter or son born as a result of the use of the technique;

e) the right to form a family; f) respect for each person's family situation; and g) equality and non-discrimination.

Article 120. Consent requirements. 1. The will of the persons involved in the process is deemed to be expressed through free, informed, express consent previously granted in a notarial public deed.

2. Consent may be revoked at any time as long as the procedure has not begun or the embryo transfer has not occurred, and must be renewed, meeting the same requirements for its issuance, each time gametes or embryos are used.

Article 121. Gametes of third parties. 1. When gametes of a third party obtained by anonymous donation are used, no legal link is created with that third party.

2. The same effect is produced with the use of gametes from a known person, with prior consent, unless otherwise agreed in cases of multi-parenthood and without prejudice to the right to information referred to in the following article.

Article 122. Right to information. 1. Persons born through assisted reproduction techniques have the right to know that they were conceived using such procedures when it is relevant to their health and may obtain information about their gestational or genetic origin and the medical data of the person who donated the gametes, excluding their identity.

2. In exceptional cases where the identity must be disclosed, it must be proven through judicial means the existence of a relevant reason with duly substantiated reasons.

Article 123. Effects of separation, divorce, or death of one or both of the intending parents. A daughter or son born as a result of the use of an assisted reproduction technique maintains the filial ties with the intending parents, derived from the will to procreate expressed by the latter through the consent signed in the terms referred to in Article 120 of this Code, even if one or both of them separate, divorce, or die before birth.

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SECOND SECTION

Regarding the determination of assisted parentage

Article 124. Recognition. Consent granted in accordance with the provisions contained in the previous section by the commissioning person(s) has the same effect as voluntary recognition and prevents investigation of parentage with respect to the person giving gametes.

Article 125. Assisted filiation of persons born during marriage or a de facto partnership. The filiation of daughters and sons born through assisted reproduction techniques, performed with the consent of the spouse or de facto partner, is determined in favor of those who granted it, regardless of who provided the gametes and regardless of whether death occurs, a judicial declaration of the presumption of death of one or both, divorce, or the termination of the de facto partnership.

Article 126. Assisted filiation of persons born after the death of their spouse or partner. In assisted reproduction performed with the gametes of a spouse or partner after their death, the child born is considered their son or daughter for all purposes if the following requirements are met:

a) That the express will of the spouse or common-law partner for assisted reproduction after death be recorded in an undoubted document;
(b) limited to a single birth, including multiple births; and
c) that the fertilization process begins within three hundred and sixty-five (365) days from the death of the spouse or common-law partner, extendable once by judicial decision for a period of sixty (60) days.

SECTION THIRD

Regarding the actions of assisted affiliation

Article 127. Prohibition of claims and challenges. 1. Consent issued by the principal or principals, meeting the requirements established in this Code, determines affiliation and is not contestable.

2. Recognition and the exercise of an action to claim filiation with respect to the person who gave gametes is not admissible, nor is it admissible to determine the biological filiation of the daughters and sons born through the use of assisted reproduction techniques in which their gametes were used.

Article 128. Exception. Assisted filiation determined according to the rules referred to in Section Two of this Chapter may be challenged in the following cases:

a) If it is proven that there was no consent;
b) that it does not meet the requirements set out in this Code; or
c) that the daughter or son was not born from the technique for which consent was given.

Article 129. Challenge to assisted filiation due to defects in consent. 1. The right to challenge the recognition of assisted filiation due to the fact that consent has been flawed by error, fraud, or threat corresponds to the person who granted it and, in the case of persons with disabilities, to the person appointed as intensive support with powers of representation.

2. The right to exercise the action expires after six (6) months, counting from the mo-
moment in which the vice ceases.

3. The persons who by law are entitled to the inheritance of the person who exercised the appeal action may continue it if the latter dies before the judgment has been issued.

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SECTION FOUR

From solidarity gestation

Article 130. Scope. 1. Joint gestation fosters the exercise of every person's right to have a family and is based on respect for human dignity as a supreme value.

2. Only takes place:

a) For altruistic reasons and human solidarity; b)
between people united by family ties or emotional closeness; c) provided that the
health of those involved in the procedure is not endangered
doctor; and

d) for the benefit of those who wish to assume motherhood or fatherhood and are prevented from doing so due to a medical reason that makes gestation impossible, or when it concerns single men or male couples.

3. Any type of remuneration, gift or other benefit is prohibited, except for the legal obligation to provide support for the unborn child and compensation for expenses incurred by pregnancy and childbirth.

4. Judicial authorization is required in all cases.

Article 131. Judicial authorization for joint gestational surrogacy. 1. The commissioning person(s) and the future surrogate mother must obtain judicial authorization prior to initiating the medical procedure, in accordance with the requirements established by the Ministry of Public Health, through the voluntary jurisdiction procedure regulated by the Code of Procedure.

2. Judicial authorization implies the approval of the consent granted by both the commissioning person(s) and the future surrogate mother, fulfilling the requirements established in the previous article and the remaining budgets and requirements provided for in the regulations governing the matter.

Article 132. Elements to be taken into account when granting judicial authorization. In order to grant judicial authorization, in addition to the provisions of Article 130 of this Code, the following elements must be taken into account:

a) That both the commissioning person(s) and the future pregnant woman are twenty-five (25) years old.
years old;

b) that, where appropriate, the use of other techniques has been exhausted or has failed.
assisted reproduction techniques;

c) that the best interests of the child who may be born have been taken into account, assessed in accordance with the guidelines established in Article 7, and what is established in sections b) and c) of Article 100 and sections c) and d) of Article 102 of this Code;

d) the full discernment, good physical and mental health and age of the future pregnant woman to successfully carry the pregnancy to term;

e) that the future pregnant woman has not undergone a process of joint gestation before
terior;

f) that the future surrogate mother does not provide her egg; and

g) verify the absence of remuneration in the terms referred to in sections 2 and 3
of Article 130 of this Code.

Article 133. Admissibility of embryo transfer. 1. Health centers may not carry out embryo transfer in the future surrogate mother without judicial authorization.

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2. Embryo transfer begins within three hundred and sixty-five (365) days from judicial authorization, which may be extended once by judicial decision for a period of sixty (60) days.

Article 134. Lack of judicial authorization. 1. If judicial authorization is lacking prior, filiation is determined by the rules of natural procreation.

2. The lack of judicial authorization or any violation of the requirements set forth in this Section results in:

a) Permanent disqualification of medical personnel who commit such acts; and

b) the corresponding liability under criminal law.

Article 135. Determination. The parentage of persons born through the use of an assisted reproduction technique involving joint gestation is determined by the intention of the commissioning person(s) to procreate.

TITLE V
OF PARENTAL RELATIONSHIPS
CHAPTER I
PARENTAL RESPONSIBILITY
FIRST SECTION
General provisions

Article 136. Scope of parental responsibility. Parental responsibility includes the set of powers, duties, and rights that correspond to mothers and fathers in the fulfillment of their role of assistance, education, and care of their minor daughters and sons, which affect their personal and patrimonial sphere and which are always exercised in the best interests of the children and in accordance with their capacity, progressive autonomy, the free development of their personality, and their degree of maturity.

Article 137. Parental responsibility with respect to the rights of children and adolescents. 1. The rights recognized in Article 5 of this Code must be guaranteed by those exercising parental responsibility.

2. Mothers and fathers have common and equal responsibilities and duties in what respects the care, development and comprehensive and inclusive education of their daughters and sons.

Article 138. Content of parental responsibility. Co-responsibility

The rental of mothers and fathers with respect to their minor daughters and sons includes:

a) Legally represent them and manage their assets;

b) exercise their guardianship and care, love them and provide them with emotional stability, contribute to the free development of their personality, taking into account their capacities, aptitudes and vocation;

c) educate them using positive, non-violent and participatory parenting methods, in accordance with their age, capacity and progressive autonomy, in order to guarantee their healthy development and help them grow to lead a responsible life in family and society;

d) to live together, whenever possible, and maintain permanent and significant family communication in their lives that fosters the development of their family affections and personality, which requires physical presence and oral or written communication, including that which occurs through technological means;

e) respect and facilitate their right to maintain a family communication regime with their grandparents and other relatives or persons with whom they have a significant emotional bond;

f) guarantee them safe living conditions, take care of their personal hygiene and their physical and mental health, and ensure their attendance at the appropriate specialized centers;

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g) provide them with age-appropriate activities and recreational facilities that are within their capabilities;
h) decide on their habitual place of residence and their temporary or permanent relocation;
(i) protect them, ensure their good conduct and cooperate with the relevant authorities to overcome any adverse situation or environment that influences or may adversely influence their training and development;
j) To provide for their comprehensive education and training; to instill in them a love of study, of school, and respect for their teachers, and to ensure their attendance at the educational center where they are enrolled;
k) ensure their adequate technical, scientific and cultural development in accordance with their aptitudes and vocation, as well as collaborate with educational authorities in school plans and activities;
l) to provide them with family, community and social inclusion if they have a disability, as well as their inclusive education in environments that allow them to achieve their maximum educational development, on equal terms with other girls, boys and adolescents, and to guarantee in all cases that they have equal access as other daughters and sons to participation in recreational, leisure and sports activities;

m) provide them with food, even if they are not the holder or do not exercise parental responsibility, custody and care, or when they are in an education or care center;

n) listen to them and allow them to express and defend their views, as well as participate in decision-making at home in accordance with their psychological and emotional maturity, capacity and progressive autonomy, convincing them when necessary through argument and reason;
ñ) direct their training for social life; instill in them love of family, of country, respect for its symbols, for work and due esteem for its values, for dignity, integrity, human solidarity and the norms of social coexistence, and respect for authorities, for the patrimonial assets of society, for the assets and personal rights of others, and for a culture committed to protecting the environment;

o) instill in them, by example and in the treatment given to others, an attitude of respect towards equality, non-discrimination based on any condition or reason, and the rights of persons with disabilities and older adults;

p) accompany them, in accordance with their progressive autonomy, in the construction of their own identity;
q) provide them with education for responsible sexuality; r) teach them to share domestic and care tasks in the home; and s) guarantee them a family environment free from discrimination and violence in any of its forms, and seek the assistance of the competent authority to adopt the necessary measures to this end.

Article 139. Legal Representation. 1. Mothers and fathers jointly legally represent their minor daughters and sons, whether or not they have custody or care, in all legal acts and transactions in which they have an interest; they supplement their capacity in those acts for which full legal capacity is required, in accordance with their age and degree of maturity; and they duly and promptly exercise the legally appropriate actions to defend their interests and property.

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2. The following are excluded from the representation referred to in this article:

a) Acts relating to rights inherent to personality or others that the daughter or son, according to his or her age, conditions and maturity, can perform on his or her own;

b) those in which there is a conflict of interest between mothers, fathers, daughters and sons; and

c) cases in which the non-custodial mother or father is prevented from doing so for objective reasons or due to their neglect or abandonment of their children, subject to judicial authorization with the intervention of the prosecutor's office.

Article 140. Ownership of parental responsibility. Joint ownership of parental responsibility corresponds exclusively to mothers and fathers, arising from the relationship of filiation that unites them with their minor children, unless the relationship has been extinguished in the case of one or both of them due to death or a judicial declaration of presumption of death, or exclusion or deprivation is determined by a court ruling for the reasons established in this Code.

Article 141. Exercise of parental responsibility. 1. The exercise of parental responsibility includes the effective fulfillment of its content and corresponds as a whole to its holders, regardless of whether or not they live with their daughters and sons, unless, with respect to any of them, the exclusion, deprivation of ownership, or suspension of its exercise has been extinguished or ordered by a court ruling.

2. This Code determines the cases in which the exercise of the authority may be partially delegated. parental responsibility in favor of persons other than its holders.

Article 142. Consent for acts arising from the exercise of parental responsibility. 1. Acts performed by one of those exercising parental responsibility are presumed to have the consent of the other, provided that they are adopted in the course of daily life and in the sphere that may be considered ordinary in the education and development of the child or adolescent.

2. In cases of urgent need, where the life or integrity of the daughter or son is at stake, the authorization and representation of the mother, the father, or the person to whom the exercise of parental responsibility has been delegated, as provided in articles 145 and 182 of this Code, is sufficient to proceed in the best interests of the children.

3. The express consent of those exercising parental responsibility is required for acts involving decisions of significant significance and significant impact, potential or actual, on the lives of daughters and sons, both personally and financially; except for the cases referred to in subparagraph c) of section 2 of Article 139, for which prior judicial authorization is required, with the intervention of the public prosecutor's office.

Article 143. Disagreements in the exercise of parental responsibility. In cases where disagreements arise regarding the exercise of parental responsibility, legal action or mediation may be used, with subsequent approval of the agreements before the competent court.

Article 144. Parental responsibility exercised with respect to minors who are mothers and fathers. 1. Minors who have daughters and sons do not require authorization to recognize them; they exercise parental responsibility and perform the functions necessary for their care, education, and health.

2. Those responsible for parental responsibility for minors who have a daughter or son in their care may oppose the performance of acts that are harmful to the child, or subrogate or replace the child when the child fails to take the necessary actions for their protection and development.

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3. The consent of minors who are also holders of parental responsibility must be combined with the consent of either of their respective mothers or fathers, if the acts are involving significant consequences for the life of the daughter or son, such as the decision to adopt them, surgical interventions and medical treatments that endanger their lives, or other acts that seriously harm their rights.

4. In case of conflict, you can resort to judicial means or use mediation.
tion with the subsequent approval of the agreements before the competent court.

Article 145. Voluntary delegation of the exercise of parental responsibility.
1. Those holding parental responsibility may temporarily delegate part of their exercise of responsibility to grandparents, another relative, or a person emotionally close to their minor daughter or son, subject to conditions, without prejudice to the right also recognized in Article 182 of this Code, for sufficiently justified reasons and always in the best interests of the daughter or son.

2. The agreement detailing the scope of the delegation, which is jointly signed with the person accepting it, is recorded in a notarial public deed or judicially approved in the voluntary jurisdiction procedure, in all cases with the intervention of the prosecutor's office, and the hearing of the daughter or son if their age and maturity allow it.

3. The delegation may be made for a maximum period of one year and renewed in the same manner as provided in the previous section for validation, provided there are reasons justifying it; in such circumstances, the persons involved must be involved.

4. Those with parental responsibility have the right and duty to supervise the upbringing and education of their daughter or son during that period.

5. If one of the holders of parental responsibility is suspended from exercising it,
The power of delegation corresponds to the person who holds it.

Article 146. Prohibition of inappropriate forms of discipline. 1. Girls, boys, and adolescents have the right to receive guidance and education from the adults responsible for their care through positive parenting methods. They are not, in any way, authorized to use corporal punishment in any of its forms, humiliating treatment, or any other type of violence or abuse, including abandonment, neglect, and inattention, or any act that injures or harms them physically, morally, or psychologically.

2. The exercise of parental responsibility must be respectful of the dignity and
physical and psychological integrity of girls, boys and adolescents.

SECOND SECTION

On parental responsibility in digital environments

Article 147. Right to a digital environment free from discrimination and violence.
Parental guardians must ensure that children and adolescents enjoy the right to a digital environment in which they are protected from content that could harm their physical, mental, or ethical development, or from acts of discrimination and violence, in any of its forms.

Article 148. Balanced and responsible use of digital environments. 1. Those responsible for parental responsibility must ensure that the presence of their minor daughter or son in digital environments is appropriate to their capacity and progressive autonomy, in order to protect them from the risks that may arise.

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2. It is their responsibility to ensure that the minor daughter or son makes balanced and responsible use of digital devices to guarantee the proper development of their personality and preserve their dignity and rights.

3. They may also take reasonable and appropriate measures with digital service providers and, among other things, urge them to temporarily suspend their daughter or son's access to their active accounts, or even cancel them, provided there is a clear, immediate, and serious risk to their physical or mental health, having previously heard them, for which, if necessary, they have the right to demand judicial protection.

4. They must avoid exposing information concerning the privacy and identity of girls, boys, and adolescents on digital media without their consent, in accordance with their capacity and progressive autonomy, ensuring that the integrity of their personal data and their right to their image are guaranteed.

SECTION THIRD

On the duties of daughters and sons towards their mothers, fathers and other relatives

Article 149. Duties of minor daughters and sons. 1. The duties of minor daughters and sons:

a) Respect their mothers, fathers and other relatives;

b) comply with the decisions of their mothers and fathers that are not contrary to their best interests, in accordance with the guidelines established in Article 7 of this Code; and

c) participate and share responsibility for domestic work and care in the home according to their age, level of progressive autonomy and degree of maturity, regardless of their sex.

2. This duty of respect extends to persons who temporarily exercise parental responsibility or de facto guardianship.

Article 150. Duties of adult daughters and sons. Adult daughters and sons must assist their mothers, fathers, or other relatives in all life circumstances, assist and care for them, show them affection, respect them, provide them with food, and attend to their needs.

CHAPTER II

OF GUARDIANSHIP AND CARE AND OF THE REGIME FAMILY COMMUNICATION

FIRST SECTION

General provisions

Article 151. Modalities of custody and care. 1. When the holders of parental responsibility do not live together, custody and care of their children may be shared or unilateral.

2. In any case, this must be established and organized in the parenting agreements. dad, in the manner provided for in Section Three of this Chapter.

3. Whenever the circumstances of the case allow it and it is not detrimental to the best interests of the children or adolescents, shared custody and care should be encouraged, in order to ensure the significant presence of the holders of parental responsibility in the lives of their daughters and sons.

4. For sufficiently justified reasons and taking into account the best interests of children and adolescents, custody and care may be temporarily assigned to grandmothers, grandfathers, other relatives or emotionally close persons, when they have so requested from the court, or it has been deferred to them by the holders of parental responsibility, in accordance with the provisions of Article 169 of this Code.

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Article 152. Rules for notarial or judicial weighing. 1. To assess the relevance shared care and custody should be considered:

a) The right to co-parenting and to live in a family, and the duty of co-responsibility parental;

b) agreements between the holders of parental responsibility;

c) the level of conflict between the holders of parental responsibility with the objective of ensuring that it does not negatively affect their ability to collaborate in the training and education of their common daughters and sons;

d) the opinion of girls, boys and adolescents according to their capacity and autonomy progressive; and

e) other criteria, such as the distance between the homes of both holders of parental responsibility, the facilities for attending school, the reconciliation of work and family life, among others.

2. As a general rule, sisters and brothers should not be separated, unless it is advisable to safeguard their best interests.

Article 153. Organization of shared custody and care. 1. Custody and shared care are organized taking into account the diverse circumstances of each family, and their scope is documented in parenting agreements or as provided for in a court ruling issued by the competent court.

2. Custody and shared care may be alternated or indistinct.

3. In alternate custody and care, cohabitation between daughters and sons with each of the holders of parental responsibility is organized into periods that may be days, weeks, months, or years; the length and timing of these periods are specified in the parenting agreements or in the court ruling issued by the competent court.

4. In the case of joint custody and care, daughters and sons maintain the broadest possible spaces of coexistence with the holders of parental responsibility, and the exercise of these responsibilities is distributed among them in response to the requirements of the family group, even if the daughters and sons reside preferentially or primarily with one or the other of the holders of parental responsibility.

Article 154. Scope of unilateral custody and care. In unilateral custody and care, the exercise of parental responsibility, with regard to the functions directly related to the daily life of the daughter or son, rests, fundamentally, with the custodial mother or father, without prejudice to the exercise of the remaining powers, duties, and harmonious family communication regime that they maintain with the non-custodial parent, who has the right and duty to contribute with the former to the care, upbringing, and education of their daughters and sons.

Article 155. Prohibition of custody and care due to discrimination and violence. 1. Custody and care may not be granted or maintained to the holder of parental responsibility for whom a final court ruling has been issued for acts of discrimination and domestic violence, or for whom there are reasonable grounds to believe that he or she exercises such responsibility and of whom daughters and sons have been direct or indirect victims.

2. Nor may guardianship and care be granted or maintained for anyone who has been sanctioned by a final judgment in a criminal proceeding for crimes related to gender or domestic violence, against freedom and sexual indemnity, against children, youth and the family.

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SECOND SECTION

On family communication

Article 156. Rules of general scope. 1. In the case of unilateral custody and care, the court hearing the case shall provide the appropriate measures to ensure that the mother or father to whom custody is not granted exercises the right and duty to communicate in person, both in writing and verbally, including through technological means, with their minor children and their respective families, regulating such communication as the case requires and always in the best interests of the children.

2. The same provisions are adopted during periods when they are not in the company of their daughters and sons if custody and care are shared.

Article 157. Family communication regime with children with disabilities. In the case of children with disabilities, if it is in their best interests, the court shall order the reasonable adjustments required to facilitate family communication with the non-custodial mother or father and their respective families.

Article 158. Family communication regime with daughters and sons confined in a state institution by administrative or judicial decision. The State guarantees communication between those responsible for parental responsibility and other relatives with daughters and sons confined in a state institution by administrative or judicial decision.

Article 159. Meeting or gathering place. When there are conflicts regarding family communication between the custodial mother or father and the non-custodial mother or father, a meeting or gathering place may be arranged to facilitate such communication.

Article 160. Rights of grandmothers, grandfathers, other relatives, and emotionally close persons. 1. Grandmothers, grandfathers, other relatives, and emotionally close persons have the right to family communication, as referred to in Article 45 of this Code, with children and adolescents.

2. All persons referred to in the previous section have the right to request the court to allow communication between them, if this is denied by the holders of parental responsibility.

3. The prosecution is involved in this process.

Article 161. Limits, denial, suspension, and modification of the family communication regime. 1. The court may limit, deny, suspend, or modify the right of mothers, fathers, or other relatives to communicate with children and adolescents if they fail to fulfill their duties or if the relationship could harm their best interests.

2. Their best interests are harmed if daughters and sons suffer sexual abuse or physical or psychological mistreatment, or are direct or indirect victims of domestic violence in any of its forms or in any other case so assessed by the court.

3. In the case of minors housed in social assistance centers and homes, the center's management may request the prosecutor's office to urge the court to take such measures.

Article 162. Modification of measures adopted by the court. 1. Measures adopted by the court regarding custody and care and the family communication regime may only be modified by the court at any time, provided that it is deemed appropriate due to a change in the circumstances that led to their adoption.

2. Failure to comply with the provisions regarding the communication regime may be grounds for modifying the resolution regarding custody and care, without prejudice to any criminal liability arising from such conduct.

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SECTION THIRD

Of parenting agreements

Article 163. Purpose. 1. The purpose of parenting agreements is to distribute and organize the responsibilities of caring for and safeguarding children, whether shared or unilateral.

2. Those responsible for parental responsibility must listen to the minor daughter or son, according to their maturity, capacity, and progressive autonomy, when entering into parenting agreements.

3. The disability status of daughters and sons must be taken into account when determining the guardianship and care arrangement that is most beneficial to their best interests, in accordance with their maturity, capacity, and progressive autonomy, in order to achieve their emotional and affective balance.

Article 164. Forms. 1. Parental agreements may be reached by private agreement between the holders of parental responsibility or through mediation, either through a notarial public deed or through judicial approval in the voluntary jurisdiction procedure before the competent court, with the intervention of the public prosecutor's office.

2. These agreements are subject to notarial or judicial control to verify compliance with legality, equity, and respect for the best interests of the child or adolescent.

Article 165. Parental agreements on shared custody and care. The agreement on shared custody and care must contain, among other provisions, the following: a) The place and time in which the daughter

or son remains with each of the holders of the
parental responsibility;

b) the responsibilities that each one assumes;

c) the communication regime with daughters and sons during periods of non-cohabitation; and

d) the obligation to provide support, implementing the necessary measures so that, in the event of a disproportionate income between the holders of parental responsibility, the one with the highest income compensates the other for the payment of support in the amount necessary for the daughter or son to enjoy the same living conditions in both homes.

Article 166. Parental agreements for unilateral custody and care. Parental agreements that decide on unilateral custody and care must consider the following aspects:

a) The age, capacity, maturity and progressive autonomy of the daughter or son;

b) listening to the opinion of the daughter or son;

c) preserve the coexistence that the daughter or son maintains until now when this promote their comprehensive development and respect their environment and stability;

d) give priority to the holder of parental responsibility who facilitates the right to maintain harmonious and regular treatment with the other, and who has not been the perpetrator of acts of discrimination and violence in the family environment, even if it is not against his or her daughter or son;

e) establish the family communication regime between the daughter or son and the non-custodial parent, which will ensure a regular personal relationship and fluid oral and written communication, including that carried out by technological means;

f) organize vacations, holidays and other important dates for the family;

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g) the legal obligation to provide food; and

h) agree on everything related to the real right of habitation of the home.

Article 167. Supplementary Application. In parenting agreements executed by a notarized public deed or approved by the competent court in voluntary jurisdiction proceedings, the rules contained in this Code regarding custody and care, family communication regime, and the legal obligation to provide support shall apply supplementarily, both by the holders of parental responsibility and by the authorities that legitimize said agreements.

Article 168. Lack of parenting agreements recorded in a notarial public deed or judicially approved. 1. If there is no parenting agreement recorded in a notarial public deed or judicially approved, the competent court must determine the guardianship and care arrangements for minor children.

2. Any decision regarding the custody and care of a daughter or son must be based on specific conduct by the mother or father that may harm the best interests of the child or adolescent, and discrimination based on any of the criteria provided for in the Constitution of the Republic of Cuba is not admissible.

3. The competent court must seek agreement between the holders of parental responsibility, whenever possible, and if possible, parenting agreements are approved by court order.

4. Otherwise, the custody and care regime is determined by the court. competent authority, taking into account the rules established in this Code.

Article 169. Guardianship and care for grandparents and other relatives or emotionally close persons. 1. For sufficiently justified reasons, guardianship and care may be granted to grandmothers, grandfathers, other relatives, or emotionally close persons, taking into account the best interests of the children and adolescents.

2. In such a case, the person or persons who have custody and care decide on daily matters, leaving the person with parental responsibility responsible for legal representation, administration of assets, and decisions that are not related to everyday life concerning their minor children.

3. If there is an agreement, the determination of custody and care in favor of the person or persons referred to in section 1 of this article shall be recorded through a notarial public deed or shall be judicially approved in the voluntary jurisdiction procedure, in all cases, with the intervention of the prosecutor's office and the hearing of the child or adolescent, if their age and maturity allow it.

4. If there is a conflict, the procedure is as regulated by the Code of Procedure.

CHAPTER III

ON THE ADMINISTRATION AND DISPOSITION OF THE ASSETS AND RIGHTS OF MINOR SONS AND DAUGHTERS

Article 170. Administration and Disposition of Assets and Rights. 1. The person or persons exercising parental responsibility shall, by mutual agreement, administer and care for the assets and rights of their minor children with the utmost due diligence; they shall ensure that they are used and enjoyed appropriately and shall not transfer them under any circumstances except in the child's best interest. They shall comply with the requirements established in this Code, including informing them of any damages caused intentionally or through negligence to the interests managed.

2. The fruits and earnings of their property belong to minor daughters and sons. goods and rights.

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3. Acts of mere conservation of assets and rights may be carried out, indistinctly, by any of the holders of parental responsibility.

Article 171. Liability for damages. In the exercise of the administration of the property and rights of daughters and sons, those responsible for parental responsibility are liable for damages caused intentionally or through negligence to the interests managed.

Article 172. Minor children with disabilities. The administration and disposition of the property and rights of minor children with disabilities also takes into account their best interests, their usefulness in achieving their life plans, and their inclusion in their families and society, on equal terms with other children.

Article 173. Utility and necessity in the disposal of assets and rights.

1. Mothers and fathers may dispose of, exchange, sell or carry out other acts of disposition regarding the assets and rights of the daughters and sons for whom they exercise parental responsibility, in accordance with their best interests and for justified reasons of utility and necessity, with prior authorization from the competent court with the intervention of the public prosecutor's office.

2. Exceptionally, for reasons of urgent need, when it is objectively impossible for one of the holders of parental responsibility to be present at the act of disposition of the assets and rights of the daughters and sons, the other may represent them exclusively, with prior judicial authorization and with the intervention of the public prosecutor's office.

3. Judicial authorization cannot be granted in a general manner; however, it may be granted in this capacity for several acts of the same nature or related to the same economic activity, even if they are future; in all cases, the circumstances and fundamental characteristics of said acts must be specified.

4. Acts of disposition of assets and rights carried out without judicial authorization may be declared void if they harm the minor daughter or son, or validated if they benefit them.

Article 174. Prohibition of Contracts. All types of contracts between mothers and fathers and their daughters and sons for whom they have parental responsibility are prohibited, except in the case of outright donations made by the fathers to the daughters and sons.

Article 175. Minor son or daughter employed. 1. Any minor who, pursuant to labor legislation, holds an employment contract under which he or she performs a job is presumed to be authorized by the holders of parental responsibility to enter into all legal acts concerning the employment.

2. In any case, the provisions of this Code and the special regulations must be complied with.

3. The rights and obligations arising from these legal acts apply solely to the assets whose administration is in the hands of the daughter or son.

Article 176. Small-value contracts. Small-value contracts and everyday contracts entered into by the daughter or son, in accordance with their capacity and progressive autonomy, are valid.

Article 177. Loss of administration of the property and rights of daughters and sons. 1. Mothers and fathers lose administration of the property and rights of their minor daughters and sons when their inability to administer them is proven before the competent court, or when they engage in acts of discrimination and domestic violence in any of its forms.

2. They also lose the administration of said assets and rights when they are privaived or suspended from parental responsibility.

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3. In the event of unilateral removal from the administration of assets and rights, this responsibility falls to the other party; if both parties are removed, the court must appoint a special guardian in the manner provided for in Article 389 of this Code.

Article 178. Appointment by will or by donation of a person entrusted with the administration of property and rights. 1. The mother or father may, by will, appoint a person to administer the property and rights deferred by way of inheritance or legacy to the daughter or son, if the latter have not attained full legal capacity at the time of their death.

2. The same provision may be included in donation contracts.

3. The provisions of the previous sections of this article also apply to other relatives or emotionally close friends of minors.

4. Said administration, if accepted, includes powers of representation in the acts in which said assets and rights are administered, and if they are available, judicial authorization is required, with a fiscal opinion.

5. If this provision violates the interests of the minor, the action for its annulment may be exercised, in accordance with the Civil Code, by the surviving mother or father or by the public prosecutor's office.

Article 179. Judicial appointment of special guardianship for the administration and disposition of assets acquired through succession. When the father or mother of a minor daughter or son is excluded by law or by the will of the testator from the administration of certain assets and rights transmitted by way of inheritance, legacy, or donation, the ownership of which belongs to the minor, and if the mother or father is the sole exerciser of parental responsibility, the appointment of a special guardianship shall be ordered for this purpose by the competent court, with the scope of administration of said assets and rights and the representation of the minor in the acts of disposition thereof, subject to judicial authorization, with the intervention of the public prosecutor's office.

CHAPTER IV

ON THE DUTIES AND RIGHTS OF RELATIVE MOTHERS AND FATHERS WITH RESPECT TO RELATIVE DAUGHTERS AND SONS

Article 180. In-law mother or father. For the purposes of this Code, an in-law mother or father is the spouse or de facto partner who lives with the person responsible for the custody and care of the child or adolescent, as a result of the formation of blended families.

Article 181. Duties of the unmarried mother or father. 1. The unmarried mother or father must foster a meaningful emotional bond with the daughters and sons of his or her spouse or de facto partner, and on that basis:

a) Cooperate in their upbringing and education; b) perform daily activities related to their development in the domestic sphere; and

c) make decisions in emergency situations.

2. In case of disagreement, the opinion of the mother or father who has the right prevails. custody and care of the girl, boy or adolescent.

3. This collaboration does not affect the rights of those holding parental responsibility.

Article 182. Delegation of parental responsibility to the legally designated mother or father. 1. The mother or father in charge of a minor daughter or son may temporarily delegate part of the exercise of parental responsibility to his or her spouse or common-law partner when he or she is unable to fully perform the function due to travel, official missions abroad, illness or temporary disability, or any other reason, and provided that the other parent holding parental responsibility is unable to perform the duties.

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2. This delegation is hereby recorded and may be renewed in the manner referred to in sections 2 and 3 of Article 145 of this Code.

Article 183. Circumstances for the delegation of parental responsibility to the mother or the related father. For the delegation of parental responsibility to the mother or the related father to proceed, the following is required: a) A significant

emotional bond between the mother or the related father and the child or adolescent;

b) stable coexistence between the members of the reconstituted family;

c) the fulfillment of the duties referred to in Article 181.1 of this Code;

d) the opinion of the non-custodial parent, when possible; and e) the child or

adolescent's hearing, in accordance with their age and maturity, as this is a decision that affects them personally.

Article 184. Joint exercise of parental responsibility with the mother or father. 1. In the event of death, judicial declaration of presumption of death, suspension of the exercise, or deprivation of parental responsibility of one of its holders, the other mother or father may assume it jointly with their spouse or common-law partner, provided there is a significant emotional bond between the mother or father and the child or adolescent.

2. This agreement between the mother or father exercising parental responsibility and their spouse or common-law partner must be judicially approved with the intervention of the public prosecutor's office.

3. The joint exercise of parental responsibility with the mother or father with legal guardianship ends with:

a) Divorce;

b) the termination of the de facto affective union; and

c) the recovery of parental responsibility of the mother or father whose exercise was suspended, unless, in accordance with the principle of the best interests of the child or adolescent, it is in the best interest of the child or adolescent to maintain said joint exercise with the mother or father who is related to the child.

Article 185. Alimony. 1. The legal obligation of a spouse or partner to provide alimony

In fact, affective relationship with respect to the daughters and sons of the other has a subsidiary character.

2. This duty ceases in cases of divorce or dissolution of a de facto emotional union.

3. However, if the change in situation could cause serious harm to the child or adolescent, and the spouse or common-law partner assumed the support of the other's minor daughter or son during their life together, an obligation to provide maintenance may be established on a temporary basis, the duration of which must be defined by the court in accordance with the economic conditions of the person obliged, the needs of the person receiving support and the time of cohabitation with said daughter or son.

Article 186. Custody, care, and communication arrangements for the mother or the unmarried father through judicial proceedings. Once a marriage has been terminated by divorce, or a de facto emotional union has been terminated by agreement of the couple or by unilateral decision of one of them, if conflicts arise, the competent court may be requested to establish, exceptionally, a custody, care, and communication arrangement, regardless of the form adopted, in which rights are recognized for the mother or the unmarried father, provided that the following are taken into account:

a) The best interests of the child or adolescent;

b) the level or intensity of the emotional relationships existing between them;

c) the presence of other daughters and other common sons from that new marriage or de facto affective union;

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d) the legitimate interest of the person requesting the communication regime or the custody and care of the minor daughter or son; and

e) the performance of the non-custodial mother or father in their life.

Article 187. Custody, care, and communication regime in favor of the mother or the related father through notarial means. 1. The determination of the custody, care, and communication regime for related daughters and sons may also be established by mutual agreement by the mother or father of the minor daughter or son who is responsible for their custody and care, and the related mother or father, in the notarial public deed of divorce or the one documenting the agreements relating to the termination of the de facto union, if the other mother or father has died, has been declared presumptively dead, or is deprived of parental responsibility.

2. A fiscal opinion is required for the authorization of said public instrument.

3. If none of the circumstances provided for in section 1 of this article occur,

For this sole purpose, the intervention of the non-custodial mother or father is necessary.

Article 188. Provisions for children and adolescents with disabilities. In matters of this nature, whether judicial or notarial, if children or adolescents have disabilities, reasonable adjustments are made to ensure the best interests of the child.

CHAPTER V

OF EXTINCTION, SUSPENSION, DEPRIVATION AND EXCLUSION PARENTAL RESPONSIBILITY

Article 189. Termination of parental responsibility. Parental responsibility is extinguished by:

a) The death or judicial declaration of presumption of death of the mother or father, or of the daughter or son;

b) the daughter or son reaches the age of majority; or

c) the adoption of a daughter or son, except in cases where it is by means of the integration modality in which the legal parental and kinship ties between the adopted person and his or her mother or father and his or her family of origin are not extinguished in the manner regulated in Article 103 of this Code.

Article 190. Deprivation of parental responsibility or suspension of its exercise. The deprivation of parental responsibility or the suspension of its exercise is subject to a final judgment issued in a family proceeding, or when so ordered as a sanction in a criminal proceeding.

Article 191. Grounds for deprivation of parental responsibility. The court, taking into account the circumstances of the case, may deprive one or both holders of parental responsibility when:

a) Seriously or repeatedly fail to comply with the duties provided for in Article 138 of this Code;

b) engage in mistreatment, corporal punishment or other manifestations of violence, or any act in the family environment that injures or harms physically or psychologically, directly or indirectly, girls, boys or adolescents;

c) induce the daughter or son to commit a criminal act;

d) abandon their daughter or son, even if he or she is under the care and custody of another person or persons;

e) engage in vicious, corrupt or criminal conduct that is incompatible with the proper exercise of parental responsibility;

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f) commit a crime against the person of their daughter or son; and

g) risk the life or mental and physical integrity of the daughter or son.

Article 192. Deprivation of parental responsibility for children in social assistance centers. 1. Mothers or fathers shall be deprived of parental responsibility by the competent court when, with respect to their child in a social assistance center of the national network, they fail to fulfill their duties by evidently and systematically neglecting them without just cause for one hundred and eighty (180) days.

2. After the period provided for in the previous section has elapsed, within the following thirty (30) business days, the person who holds the de facto administrative custody of the girl, boy or adolescent, presents the duly substantiated social file to the prosecutor's office, which, within thirty (30) business days, if it deems it complete, exercises the action before the competent court.

3. If the review of the file is considered incomplete, the prosecutor's office returns it and instructs the person holding the administrative de facto custody to carry out the actions required for its correction within a period of no more than ten (10) business days.

Article 193. Causes for suspension of the exercise of parental responsibility. The exercise of parental responsibility is suspended when, in the court's opinion, the failure to fulfill the duties referred to in Article 138 of this Code is not serious; when the mother or father is a person with a disability for whom a primary care provider with powers of representation has been appointed, and while this circumstance persists, or when the absence of one or both of them is judicially declared.

Article 194. Special provisions of the judicial decision. 1. When the deprivation of parental responsibility is ordered for its holders or one of them, or their exercise thereof is suspended, the legal representation of minor daughters and sons shall be provided for, as appropriate, in accordance with the provisions of Article 145 of this Code, the legal obligation to provide support, and the family communication regime.

2. At any time, the modification of the measures referred to in the previous paragraph may be requested when the circumstances that justified their adoption have changed.

3. In the case of deprivation of parental responsibility, the limitation or deprivation of family communication may be ordered, if this is in the best interest of the child or adolescent.

Article 195. Deprivation or suspension in criminal proceedings. When the holders of parental responsibility, or one of them, are deprived or suspended from exercising that responsibility by a sentence issued by the criminal courts, the prosecutor's office or any person demonstrating a legitimate interest initiates the corresponding proceedings to resolve the issues referred to in the previous article.

Article 196. Effects of deprivation and suspension of parental responsibility. The deprivation of parental responsibility results in the loss of ownership and all rights, duties and powers inherent to it, and the suspension results in the temporary loss of the exercise of these rights, while in both cases the legal obligation to provide support is safeguarded.

Article 197. Recovery of parental responsibility. The court, in appropriate cases and on an exceptional basis, once it has verified that the cause that led to the deprivation of parental responsibility has been overcome or ceased, may, at the request of a party or the prosecution, order its recovery if this is in the best interests of the minor child, and provided that the child or adolescent has not been adopted or is in the process of being adopted.

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Article 198. Resumption of parental responsibility. Anyone who has been suspended from exercising parental responsibility, or the public prosecutor's office, as appropriate, may request the suspension of the measure when the reason for it has ceased.

Article 199. Duty to inform authorities. Every person, especially those who, by virtue of their position, profession, or duties, become aware of breaches by those who hold parental responsibility for their children, must report this to any authority whose responsibility includes the protection of children and adolescents, and these authorities, in turn, must inform the prosecutor's office for the appropriate actions.

Article 200. Exclusion from parental rights and intestate succession. 1. The mother or father whose parentage has been judicially determined is excluded from the rights of parental responsibility and intestate succession with respect to a daughter or son or their descendants, despite their persistent and unfounded opposition, despite the evidence provided by the supporting documents; however, the legal obligation to provide support remains in place.

2. This exclusion ceases to take effect upon determination by the legal representative of the daughter or son, approved by a court, with a fiscal opinion; or by decision of the daughter or son, assessed according to their progressive autonomy; or by the will expressed in their will. ment.

TITLE VI

OF MARRIAGE

CHAPTER I

CONSENT AND CAPACITY TO FORMALIZE MARRIAGE

Article 201. Marriage. 1. Marriage is the voluntarily arranged union of two persons of legal capacity for marriage, for the purpose of living together on the basis of mutual affection, love, and respect.

2. It constitutes one of the forms of family organization and is based on free consent and the equality of rights, duties, and legal capacity of the spouses.

3. Marriage only produces legal effects when it is formalized before the competent official.

Article 202. Proof of marriage. 1. Proof of marriage is the certificate-
certificate proving the entry of your registration in the Civil Registry.

2. In the absence of the above and prior justification of the reasons that make it impossible to present, the possession of status constitutes proof of the formalization of the marriage, if it is complemented by other means of proof.

Article 203. Consent and Authorizing Officials. 1. The formalization of a marriage requires the pure and simple consent of both parties, expressed personally and jointly before the official competent to authorize it, except as provided in the registry legislation for marriages by proxy.

2. Civil registrars and notaries are the officials empowered to authorize the formalization of marriages in accordance with the provisions of this Code.

3. Officials empowered to authorize marriages abroad and those
Marriages in exceptional situations are determined by registration legislation.

Article 204. Exercise of marital capacity. The capacity of persons
To formalize marriage, you reach the age of eighteen (18).

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CHAPTER II

PROHIBITIONS FOR FORMALIZING MARRIAGE

Article 205. Absolute prohibitions. The following may not formalize marriage:

a) Persons under eighteen (18) years of age;

b) those who find themselves in a situation that prevents them from forming or expressing their will by any means to grant marital consent, permanently or temporarily;

c) those who are married; or

d) those who have formed a de facto affective union, documented by notarial means and registered in the corresponding registry, until it is dissolved.

Article 206. Relative prohibitions. 1. The following persons may not enter into marriage:

a) Relatives in a direct line, ascending and descending, siblings and other collateral relatives up to the third degree, except in the case of affinal relatives; b) the person appointed as intensive support with powers of representation and the disabled person who needs such support, until the support ceases and the person renders an account of his or her management; or

c) Those who have been convicted in a criminal proceeding by final judgment as the perpetrator or as the perpetrator and accomplice of the intentional death of the spouse or common-law partner of either of them; until the proceedings are concluded, the celebration of the marriage is suspended.

2. In the case of an adopted person, the prohibition established in paragraph a) of the previous section also applies to biological relatives, even if the legal bond with them has been broken.

Article 207. Freedom to formalize a new marriage. Persons whose marriage has been terminated or declared void for any reason are eligible to formalize a new marriage once it has been registered in the appropriate registry.

CHAPTER III

OF THE RIGHTS AND DUTIES BETWEEN SPOUSES

Article 208. Equality. 1. Marriage is established on the basis of equality of rights and duties of both spouses.

2. Love, affection, mutual protection and shared responsibility are the foundations on which the relationships between spouses are based.

Article 209. Marital Duties. 1. Spouses, in accordance with their shared life plan, must be loyal to one another, assist and care for one another under all circumstances, and treat one another with respect, consideration, and understanding.

2. Spouses are obliged to develop their relationships free from the use of violence. lence and discrimination in any of its manifestations.

Article 210. Joint Responsibility for Family Care. Both spouses have joint responsibility for fulfilling the duty to care for the family they have created and to contribute to the satisfaction of its emotional and spiritual needs, to the upbringing and education of their common children or their own children, to participate jointly in the management of the household and contribute to its better development, to the extent of the capacities or possibilities of each.

Article 211. Satisfaction of Economic Needs. 1. Spouses shall contribute to the satisfaction of the economic needs of the family they have created through their marriage, and of their common and separate children, according to their possibilities and resources.

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2. However, if the economic contribution of one of them is their domestic work and care, the other spouse assumes the remaining burdens of supporting the family, without prejudice to the duty to fulfill their other obligations to the family.

Article 212. Mutual support and exercise of rights. 1. Spouses shall support each other responsibly in organizing their shared life plan.

2. Both spouses have the right to exercise their professions and trades and to carry out their work and social activities. They have the duty to provide mutual assistance in this regard and not to limit the other's right to undertake studies or improve their knowledge and fulfill other social duties.

3. Spouses must ensure in all cases that such activities are coordinated with the fulfillment of the duties imposed on them by this Code.

CHAPTER IV

ON THE ECONOMIC REGIME OF MARRIAGE

FIRST SECTION

Provisions common to all regimes

Article 213. Application. The provisions of this Section apply regardless of the marital regime adopted.

Article 214. Non-derogability and Nullity. The provisions contained in this Section are non-derogable by agreement between the spouses, prior to or subsequent to marriage; otherwise, the agreement is void, as is any other agreement that does not respect the patrimonial balance or the principle of solidarity, among other guidelines that cannot be waived by the will of the parties.

Article 215. Duty to contribute. 1. Spouses must contribute to their own support, that of the household, and that of their common children or their own children who are part of that common household, in proportion to their financial means.

2. This duty extends to the needs of daughters and sons with disabilities or other relatives in vulnerable situations who are in their care.

3. The spouse affected by the failure to comply with the duty of contribution may demand it judicially from the other.

Article 216. Economic valuation of domestic and care work. 1. The economic consequences arising from the marriage bond and its dissolution must be borne equally by both spouses.

2. In the event that there is a sexual division of roles and functions during the spouses' cohabitation, this cannot lead to imbalances or economic harm to them.

3. The value of indirect contributions, including non-financial contributions, to the acquisition of assets accumulated during the marriage is recognized, so domestic and care work is counted as a contribution to the burdens.

Article 217. Acts requiring consent. 1. If there are minor children or children of legal age who are common or related to the spouses, or if they are adults with disabilities who have been appointed as intensive support persons with powers of representation, neither of the spouses may, without the consent of the other, expressed in a notarial public deed, dispose of the rights to the dwelling where the family they have formed resides, regardless of whether it is owned exclusively or jointly, or of the essential furniture thereof, nor transport them outside of it.

2. Consent is also required, in the circumstances described in the preceding paragraph, prior, when the other spouse is in a vulnerable situation.

3. Anyone who has not given his consent may demand the annulment of the act or the restitution of the assets within the expiration period of six (6) months after having known about it.

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Article 218. Judicial Authorization. 1. One of the spouses may be judicially authorized, through a voluntary jurisdiction procedure, to execute an act requiring the consent of the other if the latter has been judicially declared absent, is a person appointed as a primary support person with powers of representation, is temporarily unable to express his or her will, or if his or her refusal is not justified by the interests of the family.

2. The act granted with judicial authorization is enforceable against the other spouse.

Article 219. Joint Liability. 1. Spouses shall be jointly and severally liable for the obligations incurred by one of them to meet the ordinary needs of the household or the support and education of their children, in accordance with the provisions of Article 215 of this Code.

2. Anyone who has contributed his own assets to satisfy such needs, has the right to be reinstated according to his marital property regime.

3. Outside of these cases, and unless otherwise provided by the economic regime, trimonial, neither spouse is responsible for the obligations of the other.

Article 220. Preferential allocation of household goods due to death. 1. Upon the death of one of the spouses, the clothing, furniture of essentially emotional value and other belongings that constitute the common household goods are given to the survivor, without counting them towards his or her share of the inheritance.

2. Jewellery, artistic objects, historical objects, objects linked to faith and other objects of extraordinary value are not considered to be included in household goods.

SECOND SECTION

Of marriage agreements

Article 221. Purpose. 1. Before the formalization of the marriage, the future spouses may enter into agreements that have the following objectives:

a) The inventory and appraisal of the assets that each person brings to the marriage;

b) the statement of debts;

c) donations made between them, which only take effect if the marriage is formalized;

d) donations received by reason of marriage, unless it is for one of them;

e) the option determined by one of the matrimonial economic regimes provided for in this Code; and

f) other provisions of non-property content.

2. Any other agreement with a patrimonial content other than those provided for in the previous section is void.

Article 222. Expiration period. The effectiveness of marriage agreements depends on the formalization of the marriage within a period of no more than six (6) months from the execution of said agreements.

Article 223. Form. 1. Marriage agreements are made by public notarial deed and are effective between spouses only upon formalization of the marriage and until it is annulled.

2. The economic regime chosen by the couple is enforceable against third parties from the moment it is registered outside the marriage record.

Article 224. Modification or replacement of the matrimonial property regime. 1. After the formalization of the marriage, the adopted matrimonial property regime may be modified or replaced by agreement of the spouses as many times as they deem appropriate.

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2. Said agreement may be granted after one (1) year of application of the regime initially adopted, conventional or legal, through public deed.

3. In order for the modification or replacement of the matrimonial property regime to produce- For purposes regarding third parties, it must be registered in the marriage record.

4. Creditors prior to the change in the matrimonial property regime who suffer damages for this reason may declare that said modification is not enforceable against them within the expiration period of one (1) year, counting from the date they became aware of it.

Article 225. Termination of marriage agreements by mutual consent. 1. The spouses, by means of a notarial public deed of mutual consent, may, after its execution, terminate previously adopted marriage agreements.

2. In such a case, the supplementary economic regime established by this Code shall apply to the economic regime of the marriage.

3. The regulatory provisions established in the previous article are applicable, where relevant, to mutual consent.

CHAPTER V

OF THE REGIME OF MARITAL COMMUNITY PROPERTY

FIRST SECTION

On the nature of goods

Article 226. Supplementary nature. In the absence of an express reference in the marriage agreements to the matrimonial property regime to which the spouses choose, or if these are ineffective, they shall be subject, from the formalization of the marriage, to the matrimonial property regime regulated in this Chapter.

Article 227. Common property. For the purposes of the regime established in article above, the following are considered common goods:

a) Salaries, pensions or other types of income that both spouses or either of them receive during the marriage, as a result of work or from social security;

b) assets, rights, contributions, shares, and partnership interests acquired for valuable consideration during the marriage at the expense of the common estate, whether the acquisition is made for the community or for one of the spouses, including land and other agricultural property;

c) profits or dividends obtained from participation in a commercial company;

d) the fruits, income or interest received or accrued during the marriage, coming from the common property or from the property of each of the spouses;

e) credits and compensations that substitute another asset of a common nature;

f) assets acquired after the termination of the community, if the right to incorporate them into the estate had been acquired for valuable consideration during the community;

g) those acquired for valuable consideration during the community by virtue of an act vitiated by relative nullity or voidability, confirmed after the dissolution of the community;

h) originally common property that returns to the common patrimony due to the nullity, resolution, rescission or revocation of a legal act;

i) the result of the economic exploitation of intellectual creation; and

j) those incorporated by accession to common property, without prejudice to the compensation due to the spouse for the value of improvements or acquisitions made with his or her own property.

Article 228. Presumption of the joint nature of property. 1. The property of the spouses is presumed to be joint property until it is proven that it belongs to only one of them.

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2. The declaration by the spouses of the private nature of an asset does not affect third parties. few people.

3. In order for the individual character of assets registered in public records, acquired during the community life with money from only one of the spouses, to be enforceable against third parties, it is necessary that the act of acquisition record this circumstance, determining its origin, with the consent of the other spouse.

Article 229. Separate property. 1. The separate property of each spouse is:

a) Those acquired before marriage for any reason;

b) those acquired during the marriage by inheritance, legacy, or other lucrative title, even if jointly acquired by both parties; in the case of onerous donations and legacies, the amount of the burdens is deducted when they have been borne by the joint estate;

c) those acquired during the marriage by exchange, real subrogation or any other replacement of one's own property;

d) those acquired with one's own money;

e) those originally owned and returned to the spouse's assets due to the nullity, resolution, rescission or revocation of a legal act;

f) sums collected from installments due during the marriage, corresponding to an amount or credit established in his or her favor prior to the marriage and payable in a certain number of installments;

g) those for exclusive personal use;

h) those for the exclusive use of one of the spouses by reason of his or her art, profession or trade, even if they have been acquired at the expense of the common estate, without prejudice to the right of reimbursement;

(i) those obtained for repairs of damages and compensation for harm caused to the person of one of the spouses or his or her own property;

j) the intellectual property rights inherent to the creator; k) those incorporated by accession into the community's own assets, without prejudice to the compensation received by the community for the value of improvements made with its money; and

l) compensation received for the death of the other spouse, including those from an insurance contract, without prejudice, in this case, to the compensation due to the community for premiums paid with its money.

2. Land and other agricultural assets acquired under any of the circumstances provided for in this article, which are applicable, also have the character of separate assets.

Article 230. Designation of beneficiary in savings accounts with common balances. In individual savings accounts whose funds belong to the marital community of property, the account holder may designate a beneficiary upon death in accordance with the rules established for savings regulations in banking legislation and the Civil Code.

SECOND SECTION

Of the burdens and obligations of the marital community of property

Article 231. Marital Burdens and Obligations. Marital burdens and obligations are:

a) Expenses incurred for the administration and maintenance of the home and for the care, education and comprehensive training of the common daughters and sons or their own children;

b) the support that either spouse is legally obliged to provide;

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c) expenses for minor repairs and maintenance of each individual's own property one of the spouses, but for common use and enjoyment;

d) major or minor repairs to joint property; e) all debts incurred during the marriage by either spouse to support marital burdens and obligations, except in cases where the consent of both parties is required to incur them; and

f) the costs of acquisition, holding and enjoyment of common property, as well as of individual property if enjoyed by both.

Article 232. Urgent and necessary expenses. For urgent and necessary expenses, even if they are extraordinary, the approval of only one of the spouses shall be sufficient.

Article 233. Liability for Debts. 1. Spouses shall be liable, using their common property, for debts incurred by both of them during the marriage, or by only one of them with the consent of the other.

2. If this is not sufficient, they are equally liable with their own assets.

3. The payment of debts incurred by one of the spouses before marriage is not a burden on the marital community of property.

Article 234. Right to reimbursement or restitution. 1. A spouse who has contributed his or her own assets for expenses or payments borne by the marital community has the right to be reimbursed for their value from the joint assets.

2. For such purposes, the provisions of the Civil Code on the right to reimbursement or refund shall apply.

Article 235. Non-contractual obligations. The non-contractual obligations of a spouse, resulting from their actions for the benefit of the marital community or in the area of administration of joint property, are the responsibility and burden of the community, unless the factor attributing such responsibility is entirely attributable to the debtor spouse.

Article 236. Liability for one's own acts detrimental to the marital community. 1. If one of the spouses commits acts detrimental to the rights of the other, or takes any sum from the common property to pay his or her own debts or to obtain individual benefit from these assets, he or she is obliged to repay them and becomes a debtor to the marital community for the amount of the damage caused.

2. The injured spouse may initiate legal action in order to protect himself or herself from acts committed against him or her by the other spouse.

SECTION THIRD

On the administration and disposition of the marital community of property

Article 237. Equality of spouses in the administration and disposition of joint property. 1. Both spouses have equal rights and obligations regarding the administration of the marital community property.

2. Any of them may carry out the acts of administration and acquisition of goods that by their nature are intended for the ordinary use or consumption of the family.

Article 238. Disposition of the common property by one of the spouses with the authorization of the other. Neither spouse may perform acts of ownership in relation to the property of the marital community without the authorization of the other, except for those claiming property for the community.

Article 239. Disposition by will. 1. Each spouse may dispose of half of the joint property by will, legacy, or inheritance.

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2. The testamentary disposition of a common property produces all its effects if it is adjudicated to the spouse to whom it indicates the testator's inheritance.

3. Otherwise, the legacy shall be deemed to have been the value it had at the time of death.

Article 240. Duty to provide information on financial situation. Spouses must inform each other periodically about the situation and income from any economic activity they may have.

Article 241. Nullity of acts of administration and disposition of common property by only one of the spouses. 1. When the authorization of one of the spouses is required to carry out an act of administration or disposition of certain assets and this is omitted, the acts may be declared null and void at the request of the injured spouse or, in the event of death, of his or her heirs.

2. If one of the spouses unjustifiably refuses or is unable to provide authorization, the other has the right to seek it through judicial means, provided that it is considered to be in the interest of the family or in the best interests of the common assets.

Article 242. Unenforceability due to fraud. The legal effects arising from acts performed by one of them within the limits of their powers with the intent to defraud the other spouse cannot be enforced against the other spouse.

Article 243. Administration of joint property in the event of absence. The administration of joint property in the event of absence, declared judicially, is carried out in accordance with the provisions governing this institution in the Civil Code.

Article 244. Supplementary jurisdiction of the Civil Code. In all matters not provided for in this Code regarding marital community of property, the rules governing joint ownership by shares provided for in the Civil Code shall apply, as appropriate.

SECTION FOUR

Dissolution and liquidation of the marital community of property

Article 245. Termination of the marital community of property and its effects.

1. The marital community of property is extinguished by the same causes as the extinction of marriage, by its declaration of nullity, by the agreement between the spouses to modify or replace the agreed marital regime or by the judicial separation of property.

2. The common property is divided equally between the spouses, or in the event of death, or judicial presumption of death, between the survivor and the successors of the deceased.

3. When the marriage bond is extinguished due to nullity, the spouse who, due to his or her bad faith, caused this cause cannot participate in the assets of the marital community.

Article 246. Breakdown of emotional cohabitation as a cause for the termination of marital community of property. 1. The breakdown of emotional cohabitation between spouses is also a cause for the termination of marital community of property.

2. Such termination shall be understood as the date on which the break-up of the couple's emotional life is proven in court, when this does not coincide with the date of the legal termination of the marriage.

Article 247. Effects on the marital community of property of the declaration

1. If the marriage is extinguished by a judicial declaration of the presumption of **death** of one of the spouses and, in accordance with Article 271 of this Code, the person declared presumed dead appears without the marital community of property having been liquidated, the regime is deemed to be reestablished if both spouses decide, in the presence of the Civil Registry Registrar, that the marriage shall become valid.

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2. The presumed deceased spouse may exercise the rights and actions that correspond to him or her against the apparent heirs, in accordance with the provisions of the Civil Code.

3. The liquidation of the marital community of property carried out is deemed valid. due to the judicial declaration of death of one of the spouses.

Article 248. Judicial separation of property during the marriage.

1. Judicial separation of property may be requested by one of the spouses:

a) If the other's mismanagement entails the risk of losing his eventual right to the common property;

b) in cases of discrimination and domestic violence; and

c) if due to the disability of one of the spouses, he or she is designated as intense support with the power to represent a third person.

2. Once the separation of common property has been arranged, each party remains the owner of the property to which it was assigned, and the rules governing the separation of property regime apply.

Article 249. Exclusion of the subrogation action. The action for separation of property through judicial means, during the marriage, cannot be brought by the spouse's creditors through the subrogation action recognized in the Civil Code.

Article 250. Refunds. Once the marital community of property has been extinguished, it is liquidated and, to this end, the amount of financial compensation owed by the marital community to each spouse and the amount owed by each of them to the community is determined.

Article 251. Cases of reimbursement. 1. The marital community of property must financially compensate the spouse if he or she has benefited to the detriment of the spouse's own assets, and the spouse must financially compensate the community if he or she has benefited to the detriment of the community assets.

2. If during the existence of the marital community of property one of the spouses has alienated his or her own property for valuable consideration without investing the price obtained, it is presumed, unless proven otherwise, that the amount received has benefited the community.

Article 252. Waiver of rights to marital community property. 1. Either spouse, after the termination of the marital bond, may waive all or part of their rights to marital community property, provided this does not entail harm to minor or adult daughters and sons who have been designated as intensive support persons with powers of representation by both or one of the spouses.

2. The resignation is made by notarial public deed, or before the court that hears the liquidation process.

Article 253. Inventory and appraisal of assets through judicial means. 1. When, due to a lack of agreement between the interested parties regarding the liquidation of the marital community property in the manner provided for in Article 245 of this Code, it is necessary to proceed with its judicial liquidation, the procedure shall be in accordance with the Code of Procedure.

2. If the marriage has ended due to divorce or annulment, or in any case if no more than one year has passed since the death of the spouse, the inventory and appraisal of the assets shall be made on the basis of their value on the date of the termination of the marriage.

3. If more than one year has passed since the death, the inventory and appraisal of the assets are made on the basis of their value on the date of liquidation.

4. Once the appraisal is made, the outstanding obligations are deducted, and the remainder is distributed in the proportion indicated in Article 245 of this Code.

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Article 254. Ways to carry out the liquidation of the marital community.
1. The liquidation of marital property due to divorce, death, or judicial declaration of presumption of death may be carried out privately or by an extrajudicial mediation agreement and, where appropriate, may be implemented by means of a notarial public deed or approved by the court.

2. If there is a conflict, it is resolved through judicial means.

3. The liquidation of the assets acquired up to the time of the declaration of nullity-Marriage is always effected through judicial means.

Article 255. Expiration period. 1. After the period of one (1) year has elapsed since the termination of the marriage due to divorce or the declaration of ineffectiveness without the liquidation of the marital community of property having been initiated, judicially or extrajudicially, and without prejudice to the provisions regarding preferential allocation of common property, each spouse remains the sole owner of the movable property of common property whose possession he or she has maintained since said termination.

2. If both former spouses remain in common possession of the movable property, the laws of co-ownership by shares regulated in the Civil Code apply.

Article 256. Preferential allocation of joint property to a disabled spouse. In the settlement of marital community property, the spouses' disability status shall be taken into account for the purposes of allocating assets acquired within the marriage, in order to allocate to them those joint assets that are most favorable to their inclusion in the family, community, and society.

Article 257. Preferential allocation of common property necessary for the education or development of children. 1. In the liquidation of the marital community of property, the court may order that certain common household property that it considers necessary or convenient for the care, education, and development of the common minor children, or of legal age who have been appointed as intensive support persons with powers of representation, shall be preferentially awarded to the spouse in whose sole custody and care they remain.

2. If the allocation of such assets exceeds the beneficiary's share in the liquidation of the marital community, he or she shall be granted the right of usufruct over that excess, without prejudice to the other spouse retaining his or her right of ownership over the aforementioned share of participation, as long as the former does not have other similar assets at his or her disposal and use.

3. Likewise, the court may assess the appropriateness, in the case of minor daughters and sons, or adult daughters and sons who have been appointed as intensive support with powers of representation not common to the spouses, and who are subject to the custody and care of one of them, that they live in a common home, for the purposes of applying the provisions of the preceding paragraph.

Article 258. Preferential allocation of common property obtained through merits of one of the spouses. The court may order that a certain common property obtained through professional or honorary merits be awarded to the spouse to whom it was assigned, provided that other reasons of greater weight do not advise otherwise.

Article 259. Provisional attribution of the use and enjoyment of property and rights in the event of the death of one of the spouses to satisfy urgent needs.
1. When a marriage is extinguished by death or by a judicial declaration of presumption of death, both the surviving spouse and the minor daughters and sons, or adult daughters and sons who have been appointed as intensive support persons with powers of representation, have the right to continue to use and enjoy the community property until the liquidation operations are judicially approved.

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2. The court hearing the probate proceedings authorizes the surviving spouse, to the extent necessary, to receive payment of amounts corresponding to the deceased or to the marital community property and, using it or the cash that forms part of the assets left, to satisfy his or her current expenses and those of the minor daughters and sons, or of legal age who have been appointed as intensive support with powers of representation, and for this purpose, to withdraw from the bank accounts of the deceased or common accounts the sums that are necessary.

Article 260. Settlement of the marital property regime in cases of discrimination and violence. If a final court ruling has been issued for acts of discrimination and domestic violence, or if there are reasonable grounds to suspect it during the marriage, at the time of the settlement of the marital property, the aggressor loses his right to his share, based on the court's assessment of the violence and its consequences.

Article 261. Land and other agricultural property. If the settlement of the marital community property involves land and other agricultural property, this shall be carried out taking into account the legislation in force on the matter and compliance with the requirements established therein, in accordance with the principles regulated in this Code.

Article 262. Rules for the liquidation of marital community property in the presence of a family business established with common assets of the spouses.

1. When the family business is established entirely with the spouses' joint assets, at the time of the liquidation of the marital community property, it may be decided to maintain its entirety or liquidate it, in accordance with the provisions of its bylaws, without prejudice to the right to reimbursement in the corresponding cases.

2. In the event that the company is established with the participation of other persons, whether related or not, the fraction of that total that corresponds to a contribution with common assets from the marriage must be liquidated in the same terms expressed in section 1 of this article.

3. For the purposes of this Code, a family business is understood to be any economic organization intended for the stable and long-term exercise of an activity for the production of goods and the provision of services, where an essential part of the property belongs to the spouses or the affective de facto partner, or to relatives, who intervene in the administration and management of the business, which constitutes the main economic support of the family.

4. In any case, aspects related to the legal organizational form adopted by the company are governed by the current regulatory provisions on commercial and corporate matters.

CHAPTER VI
OF THE REGIME OF SEPARATION OF PROPERTY

Article 263. Cases in which there is separation of property. It exists between the spouses separation of property when:

a) They agree to this in their marriage agreements;

(b) Marriage agreements provide that community property does not apply between them, without specifying the rules by which their property is to be governed; and

c) when, during the validity of the marriage, the extinction and liquidation of the marital community of property has been ordered by judicial means, in the cases referred to in Article 248 of this Code.

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Article 264. Registration of the judgment declaring the legal separation of property. The certified copy of the judgment declaring the legal separation of property referred to in Article 248 of this Code shall be registered in the marriage registry and, for the purposes of its enforceability against third parties, in the corresponding registry, where appropriate.

Article 265. Management of property. 1. Under the regime of separation of property, each spouse retains free administration and disposal of his or her separate property.

2. Separate property is that which each spouse owns at the time of the establishment of the regime and that which they acquire later, by any title, except as provided in Article 238 of this Code.

3. Each of them is responsible for the debts incurred by him, except as provided in concerning joint liability.

Article 266. Proof of ownership of property. 1. With respect to both the other spouse and third parties, each spouse may demonstrate exclusive ownership of a property by all legally admissible means of proof.

2. Assets whose exclusive ownership cannot be proven are presumed to belong to both spouses under the co-ownership regime by shares regulated by the Civil Code.

3. The division of an existing joint ownership between spouses is not appropriate when it affects family interests.

CHAPTER VII
OF THE MIXED REGIME

Article 267. Mixed regime. Spouses may agree on a matrimonial property regime that combines both marital community and separation, regardless of the nature of the assets and rights, always adhering to the provisions of this Code for each of them.

CHAPTER VIII
ON THE EXTINCTION OF MARRIAGE
FIRST SECTION
General provisions

Article 268. Causes of termination of marriage. The marriage bond is terminated:

a) Due to the death of either spouse;

b) by a judicial declaration of the presumption of death of one of the spouses; or

c) by divorce.

Article 269. Proof of the termination of marriage. Termination of the bond matrimonial is proven with:

a) The death certificate of either spouse issued by the corresponding Civil Registry Registrar;

b) the birth certificate of either spouse, with a note issued by the corresponding Civil Registry registrar, certifying the judicial declaration of presumption of death, as provided for in the judicial resolution issued for this purpose by the competent court;

c) the divorce certificate issued by the registrar of the Civil Registry in which the divorce was made that one was registered;

d) the marriage certificate with divorce notice issued by the registrar of the Corresponding Marital Status; and

e) any other means of evidence that undoubtedly leads to such an end.

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SECOND SECTION

From the judicial declaration of presumption of death of the spouse

Article 270. Time at which a marriage is extinguished. A judicial declaration of the presumption of death of one of the spouses extinguishes the marriage from the moment the event leading to the presumption of death occurred or the last news of the missing person was received, with the effects established in the Civil Code.

Article 271. Effects of the appearance of a person presumed dead. 1. If the person declared presumed dead appears or there is proof of their existence after the court has annulled the judicial declaration of presumption of death, the marriage extinguished for this reason becomes effective, provided that the spouse present has not formalized a new marriage.

2. If the present spouse has formalized a new marriage, this remains effective. and the marital status of the person appearing is divorced, with its own effects.

3. If one or both spouses do not wish to maintain the marriage bond, it must be proceeded- to its dissolution through the divorce process.

CHAPTER IX

DIVORCE

FIRST SECTION

General provisions

Article 272. Nullity of renunciation. 1. Divorce is one of the causes of extinction. of marriage.

2. The waiver by either spouse of the right to request a divorce is void.

Article 273. Processing Methods. 1. Divorce is processed through a notary public if there is mutual agreement between the spouses, recorded in a public deed, or by a court ruling issued in the voluntary jurisdiction procedure regulated by the Code of Procedure.

2. If there is no agreement, it will be processed in contentious proceedings before the competent court.

Article 274. Effects. 1. Divorce has, between spouses, the following effects:

a) The termination of the existing marriage;

b) the termination of the agreed matrimonial property regime; and

c) the extinction of the right of intestate succession and the status of special heir cially protected.

2. A divorce decree issued abroad by a competent court or a public deed establishing it in accordance with the laws of Cuba or a foreign country, between Cubans, Cubans and foreigners, or foreigners, is valid in Cuba, provided that the Cuban consular representation in the country where it was granted certifies that the divorce was substantiated and resolved in accordance with the laws of that country.

Article 275. Alimony for ex-spouse in a vulnerable situation.

1. If the spouses have lived together for more than one year or have had children together, before or during the marriage, a pension is established in the court ruling or recorded in a notarial public deed in favor of one of them in the following cases:

a) If he or she does not have paid work and lacks other means of subsistence, a pension that is provisional in nature and is paid by the other spouse for a period of one year, if there are no minor daughters and sons in his or her unilateral guardianship and care or adults to whom intensive support with powers of representation has been designated;

b) if there are common daughters and sons, the pension is fixed for a reasonable period, for the purposes of that the beneficiary can obtain paid work; and

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c) if due to a disability, age, illness or other insurmountable impediment, the person is unable to work and, in addition, lacks or other means of subsistence are not sufficient, in which case the pension is maintained as long as the impediment persists.

2. In addition to the causes provided for in Article 39 of this Code, the alimony pension for a former spouse in a vulnerable situation ceases upon expiration of the periods referred to in this article, or when the former spouse has formalized a new marriage or established a formal and registered de facto affective union.

Article 276. Financial compensation for domestic work and caregiving. 1. In addition to the provisions of the previous article, the spouse who has engaged in domestic work and caregiving has the right to demand financial compensation to compensate for the disadvantageous financial situation in which he or she remains after the divorce due to not having engaged in paid or lucrative work during the marriage.

2. To determine such compensation, the time that the employee has been employed shall also be taken into account, where applicable. The spouses have previously lived together as a de facto affective union.

SECOND SECTION

From judicial divorce

Article 277. Legal standing and exercise of the divorce action. 1. Divorce is available through judicial proceedings by mutual agreement of the spouses or at the request of one of them.

2. Persons with disabilities may exercise the action themselves, for which they may be assisted by the designated supports.

3. In the event that an intense support with powers of representation has been designated to you, tation, may exercise such action in accordance with the provisions of the Civil Code.

Article 278. Hearing of girls, boys or adolescents in divorce proceedings. In divorce proceedings, the court, assisted by multidisciplinary teams, hears children or adolescents, according to their capacity and progressive autonomy, in accordance with their best interests, for the relevant purposes.

Article 279. Non-prescription of the action. The action for divorce may be exercised at any time while the situation that gave rise to it persists.

Article 280. Pronouncements of the judicial resolution that orders the divorce. 1. In the application for dissolution of the marriage bond, statements are requested, where appropriate, on:

a) Parental responsibility, custody and care, family communication regime and maintenance of minor children together, whether born before or during the marriage;

b) the legal obligation to provide support and family communication with respect to minor daughters and sons who are part of the common household of the couple, in the case of reconstituted families, in accordance with the rules contained in this Code relating to the legal regime on unmarried mothers and fathers;

c) the obligation to provide support for one's spouse; d) the obligation to provide support and family communication for adult daughters and sons with disabilities;

e) the real right of habitation of the dwelling in which the couple resided, according to the provisions of Article 285 of this Code, if applicable; and

f) the care of companion animals by one or both spouses, the manner in which the person who has not been entrusted with them may keep them with him or her, the distribution of the burdens associated with their care, taking into account, in all cases, the interest of the family members and the well-being of the animal, regardless of who owns it and who has been entrusted with its care.

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2. In the case of daughters or sons who are disabled or who have a condition that requires attention and care, this particular fact is taken into account to make reasonable adjustments in order to adequately weigh the legitimate interests of the persons involved.

Article 281. Parental Responsibility. The ownership and exercise of parental responsibility is joint; however, it may be deferred to the person to whom the Court deems it suitable for exclusive use when the best interests of the child or adolescent so require, stating the reasons why it deprives or suspends the other, or both, of it. In this case, it shall also decide on custody or guardianship, with the intervention of the public prosecutor's office, in accordance with the principles governing parental relationships in this Code.

Article 282. Determination of custody and care. 1. When determining custody and care for daughters and sons, the court will assess the appropriateness of sharing them, when circumstances so warrant, or unilaterally in favor of one of the holders of parental responsibility.

2. For the purposes of the provisions of the preceding paragraph, the court shall comply with the rules-established by this Code on parental relationships.

Article 283. Communication regime between family members and other persons with emotional ties in unilateral custody and care. 1. The court must endeavor to establish a family communication regime with the holders of parental responsibility by any means, including electronic means, consistent with the best interests of the child.

2. In cases where requested, regardless of the guardianship and care regime established, the right of minor children to maintain personal relationships with grandmothers, grandfathers and other relatives or persons with whom they have an emotional bond that justifies it is also taken into account.

3. The judicial resolution that establishes the family communication regime is in accordance with the provisions of articles 156 to 162 of this Code.

Article 284. Child support. 1. The divorce court ruling shall determine the amount of child support due in each case, the place and date of payment, and the currency in which it is paid.

2. The support of daughters and sons is the obligation of those holding parental responsibility while they are minors, or when upon reaching the age of majority, they are enrolled in a national educational institution that makes it difficult for them to regularly engage in paid work.

3. Likewise, the holders of parental responsibility are responsible for the support of adult daughters and sons with disabilities who have been appointed intensive support with powers of representation, even when they are hospitalized in an educational or health care facility.

Article 285. Attribution of the real right of habitation with respect to the dwelling in which the married couple resided. 1. The real right of habitation with respect to the dwelling in which the spouses resided, provided that it is a dwelling owned exclusively by one of them, may be attributed to one of them in the following cases:

a) If you are responsible for the unilateral care and custody of minor children, or have been appointed as the intensive support for disabled adult children, and do not own a home or otherwise reside there; or

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b) if he/she proves the extreme need for housing and the impossibility of obtaining it immediately, given his/her vulnerable situation.

2. The spouse entitled to do so may request that the period for granting such right be set, in accordance with the circumstances of the case, starting from the moment the judgment is issued.

3. This right is enforceable against third parties from the moment it is registered.

Article 286. Prohibition of alienation. 1. The interested spouse may request the court to prevent the dwelling from being alienated for any reason during the specified period without the express agreement of both parties.

2. The decision takes effect on third parties from the date of its registration.
gistral, ordered ex officio by the court.

Article 287. Cessation of the real right of habitation. 1. The real right of habitation ceases:

a) By compliance with the deadline set by the court;

b) due to a change in the circumstances taken into account in setting it; or

c) due to the presence of acts of violence by the beneficiary against the owner of the home, which does not harm the other family members in a vulnerable situation for which the real right of residence was recognized.

2. The extinction of the real right of habitation and the prohibition of disposing of the dwelling entails the cancellation of the registration, at the request of the interested party.

Article 288. Legal subrogation of leased property. 1. In the case of leased property, the spouse referred to in Article 285 of this Code, who is not the lessee, has the right by legal subrogation to continue the lease until the expiration of the contract.

2. In such circumstances, you are obliged to pay the guarantees that were originally
were established in the contract, unless otherwise provided by court order.

3. The rules contained in this article do not apply when it concerns the leasing of a property by the State.

Article 289. Measures to be adopted during the processing of divorce proceedings.
In the measures adopted during the processing of the divorce proceedings regarding the custody and care and family communication regime of the minor daughters and sons of common age, born before or during the marriage, alimony for them and that of the spouse, if applicable, and those relating to the marital community of property, if applicable, the rules established in this Code are observed.

Article 290. Modification of the measures provided for in the judicial decision ordering the divorce.
In the event of a change in the circumstances taken into account to determine parental responsibility, custody and care, and family communication regime during the proceedings, or in the judicial decision ending the divorce proceedings, a modification may be requested in the manner established in the Code of Procedure.

SECTION THIRD
Notarial divorce

Article 291. General Provisions. 1. Divorce is formalized by notarial deed when there is mutual agreement between the spouses regarding the dissolution of the marriage bond, parental responsibility, custody and care, family communication arrangements, and alimony, if applicable, even when there are minor children.

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2. In the absence of the agreement referred to in the previous paragraph, the divorce shall be processed through the courts.

3. The rules contained in this Code on judicial divorce are applicable, as appropriate, to notarial divorce, in particular, to the provisions of article 278 on the hearing of girls, boys and adolescents and the intervention of the prosecutor in such cases.

Article 292. Divorce by oneself and through a representative. 1. The spouses jointly and individually request the dissolution of the marriage bond.

2. In exceptional cases, and for reasons that justify the spouses' inability to appear jointly through a notary, one of them may be represented by an attorney, empowered by a public deed of power or by a lawyer, after a legal services contract has been signed.

Article 293. Divorce Agreements. 1. The notarial public deed of divorce has direct and immediate enforceability for all legal purposes from its date and, where appropriate, contains the spouses' agreements on the following matters: a) The dissolution of the marriage bond;

b) the determination of the custody and care of common daughters and sons, whether born before or during the marriage, with special reference to the modality that has been agreed upon and its particularities;

c) the determination of the family communication regime in accordance with the rules provided for in this Code, also taking into account the right of minor daughters and sons to communicate and interact personally with their grandmothers, grandfathers and other relatives or persons with whom they have emotional ties;

d) any other aspect contained in the exercise of parental responsibility;

e) the determination of the amount of child support corresponding to minor daughters and sons, or those of legal age incorporated into a national educational institution that makes it difficult for them to regularly engage in paid work, or those of legal age with disabilities, as well as the amount that should be granted to the former spouse, according to the circumstances, as well as the currency, place and date of payment;

f) the stipulations on the liquidation of the economic regime of the marriage, if proceeds;

g) the real right of habitation of the dwelling in which the couple resided, according to the provisions of Article 285 of this Code, if applicable; and

h) the determination of the care of companion animals by one or both spouses, the manner in which the person who has not been entrusted with them may keep them with him/her, the distribution of the responsibilities associated with their care, taking into account, in all cases, the interest of the family members and the well-being of the animal, regardless of who is its owner and to whom it has been entrusted for its care.

2. With regard to minor children who are part of the couple's common household, in the case of reconstituted families, the agreement shall comply with the provisions of this Code regarding the legal regime for children of related parents.

3. In the case of children with disabilities or who have a condition that requires care and attention, this is taken into account when making reasonable adjustments to adequately weigh the legitimate interests of the persons involved.

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Article 294. Postponement of the liquidation of marital property. Every notarial public divorce deed contains the legal warnings corresponding to the liquidation of marital property if the established marital property regime would have been this, should the former spouses expressly decline their right to do so in the act itself.

Article 295. Notarial Application of Equity and Principles in Family Matters. 1. The notary determines whether the proposed agreements conform to equity and are consistent with the principles established in family matters by the Cuban legal system and the applicable international law standards, provided that these are compatible with the rights recognized in the Constitution of the Republic of Cuba.

2. Likewise, to validate the agreements reached by the spouses, the best interests of the minor children are taken into account and, where necessary, their consideration in accordance with their capacity and progressive autonomy, as well as the criteria of the multidisciplinary teams and the prosecutor's opinion.

Article 296. Modification of divorce agreements. 1. Modifications to agreements between former spouses that arise after the authorization of the public divorce deed shall be executed before the notary who authorized it, or before a different one, provided that, in all cases, there is no contradiction between the former spouses.

2. If it is executed before a different notary, it is the responsibility of the latter, within seventy-two (72) hours, to authorize the public deed of modification of the agreements and to issue a communication to the notary in charge of the protocol containing the public deed of divorce by mutual agreement so that he may record it in the margin of said deed.

3. For the validation of said modifying agreements, the notary takes into account the criteria criteria provided for in the previous article.

4. If there is a conflict between the former spouses, the notary shall abstain from acting and leave the judicial route open.

CHAPTER X

ON THE INEFFECTIVENESS OF MARRIAGE

FIRST SECTION

General provisions

Article 297. Causes of Ineffectiveness. A marriage is ineffective because:

a) The absence of consent or due to defects in this consent of the contracting parties;

b) the presence of any of the prohibitions referred to in Articles 205 and 206 of this Code; and

c) failure to comply with the formal requirements required by law.

Article 298. Supplementary authority of the Civil Code. In matters not covered by this Chapter, the general rules on the ineffectiveness of legal acts contained in the Civil Code apply.

SECOND SECTION

On the absolute nullity of marriage

Article 299. Grounds for nullity of marriage. Marriages contracted under the following conditions are null and void:

a) In violation of any of the prohibitions set forth in Articles 205 and 206 of this Code;

b) without the formalities provided for as an essential requirement;

c) to achieve purposes other than those provided for by law, by either spouse; and

d) through violence against either spouse.

Article 300. Non-prescription of the action for annulment. The action to declare the nullity of a marriage is non-prescription and may be exercised at any time by an interested party or by the prosecutor.

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SECTION THIRD

On the relative nullity of marriage

Article 301. Grounds for annulment of marriage. Marriages are voidable .
contracted children:

a) By mistake as to the identity of the persons or their essential qualities, or through fraud, or by means of threats against either of the spouses; or

b) with violation of other formalities that, without being essential requirements, are required by law.

Article 302. Legitimacy for the exercise of the action of annulment. The ac-
relative nullity action corresponds to:

a) To the spouse who has suffered the error, fraud or threat; and

b) to either spouse or the prosecutor, if the formal defect cannot be corrected ex officio.

Article 303. Time limit for exercising the action for annulment. The relative action for annulment must be exercised within six (6) months following the knowledge of the error or fraud, or the cessation of the threat, or from the formalization of the marriage in the cases provided for in section b) of Article 301 of this Code.

SECTION FOUR

Of putative marriage

Article 304. Putative Marriage. 1. A void or voidable marriage shall be effective for the common children and for the spouse who has acted in good faith, if the voidability is due to a violation of the prohibitions in Article 205 and paragraphs b) and c) of Article 206 of this Code, or the presence of defects of will in any of the spouses.

2. If both spouses have acted in bad faith, the marriage has no effect.
legal in favor of none of them.

3. The spouse who, at the time of formalizing the marriage, acts in bad faith
is aware of the existence of the cause of ineffectiveness or causes it.

CHAPTER XI

OF CONJUGAL STATES

Article 305. Marital status. 1. By reason of marriage, the marital status
Wales people are:

a) Singles, those who have not formalized a marriage, even if they are in a de facto union affective, instrumental or not;

b) married, those who have formalized their marriage and have not dissolved it;

c) divorced persons, those who have dissolved the marriage, and in the case of a judicial declaration of presumption of death, shall comply with the provisions of the cases provided for in the Article 271 of this Code; o

d) widowers, who have terminated their marriage due to the death of one of the spouses. ges, or by judicial declaration of presumption of death.

2. In the event of annulment of the marriage, the person retains the marital status he or she had previously.

TITLE VII

OF THE AFFECTIVE DE FACTO UNION

CHAPTER I

ON THE CONSTITUTION OF THE AFFECTIVE DE FACTO UNION, REQUIREMENTS AND INSTRUMENTATION

Article 306. Scope of application. 1. The provisions of this Title apply to de facto affective unions between two persons with legal capacity to do so, who share a common life project of a singular, stable, and well-known nature, lasting for at least two (2) years.

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2. In order to enjoy such protection, notarial instrumentation or judicial recognition, as appropriate, and proper registration in the corresponding registry are required.

Article 307. Constitution. A de facto affective union is established by the will of its members, regardless of its notarial instrumentation, judicial recognition, or registration.

Article 308. Requirements. 1. For a de facto affective union to have the legal effects provided for in this Code, its members must meet all of the following requirements:

a) Be of legal age;
b) not be related by direct, ascending or descending ties, or collateral ties up to the third degree, except in the case of affinal relatives;
c) not be married or maintain another simultaneous, formal, affective union by notarial and registered deed;
d) maintain a permanent common emotional life project for at least two (2) years; and
e) behave towards third parties like a couple with ties emotional-family.

2. If the person is adopted, the requirement established in paragraph b) of the previous section also applies to biological relatives, even if the legal relationship with them has been broken.

Article 309. Notarial instrumentation. 1. Members of a de facto union affective may resort to notarial means in order to request their accreditation by means of a deed of notoriety, provided that they prove all the requirements demanded by this Code in the previous article, for which they must use the means of proof established by law.

2. The existence of an already extinguished de facto affective union may also be recorded by notarial means, in order to exercise the rights recognized in this Code, provided that the members of the couple, by mutual agreement, so request and five (5) years have not passed since its extinction.

3. From the day following its authorization, a copy of the certificate of notoriety is issued ex officio, within a period of three (3) days, to the corresponding registry for the purposes of its registration.

CHAPTER II

OF THE COEXISTENCE AGREEMENTS

Article 310. Cohabitation or joint life development agreements. 1. Members of a couple who form a de facto emotional union certified by a notarization document may establish the legal status that will govern their economic relations during their cohabitation and freely establish other agreements on the bases or rules of their joint life plan, through a notarial public deed.

2. Such agreements may include, among others: a) The manner in which the members of the couple contribute to household expenses during their life together;
b) the manner in which they assume joint debts; c) the attribution of the joint residence in the event of a breakup;

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d) the division of assets obtained in common, in case of breakdown of the project of common life; and

e) any other agreement, of personal content, on the manner in which the couple wants develop their common life project.

Article 311. Modification and termination of cohabitation agreements. 1. Agreements may be modified by agreement of both members of the couple at any time, which shall be formalized by a notarial public deed.

2. The dissolution of the couple's shared life plan for the reasons provided for in Article 324 of this Title extinguishes cohabitation agreements, by full right, in the future, with the consequent extinction of the legal effects that this Code recognizes for de facto affective unions.

3. The agreements intended to take effect after the break-up have for their liquidation the period that they themselves foresee or that is deduced from their nature.

Article 312. Nullity of the notarial judgment. The notarial judgment of notoriety may be annulled by the competent court at the request of an interested party or the public prosecutor's office if non-compliance with the requirements set forth in Article 308 of this Code is proven, resulting in the nullity of the cohabitation agreements executed by the couple in a public deed.

CHAPTER III
JUDICIAL RECOGNITION OF THE UNION IN FACT AFFECTIVE

Article 313. Judicial recognition of a de facto affective union during the lifetime of the members of the couple. 1. If a de facto affective union that has not been previously notarized and registered in the corresponding registry ends, and if there is no agreement to exercise the rights recognized in this Code, any of its members with a legitimate interest may exercise the corresponding action to prove its existence before the competent court through the process determined by law.

2. The action is exercised by any of them within a period of expiration of five (5) years, counted from the day after the union was extinguished.

Article 314. Judicial recognition of a de facto emotional union after the death of one or both members of the couple. 1. In the event of the death or judicial presumption of death of one or both members of the couple, judicial recognition of the de facto emotional union may be requested within the same period provided for in the previous article by the survivor or by the heirs of the deceased or presumed dead person.

2. The period for exercising the action is counted from the day following the death or the day on which the judicial resolution declaring the presumption of death becomes final.

Article 315. Court ruling. Registration. The court that hears the judicial recognition of a de facto affective union rules on the existence or nonexistence of the union and, where appropriate, sets the date of its commencement and termination, which shall be entered in the corresponding registry.

Article 316. Recognition of rights in favor of the bona fide member of a de facto affective union. When the de facto affective union, known and stable, is not singular, because one of its members was married or in a previous de facto affective union, and when it is notarized and registered in the corresponding registry, it has full legal effect in favor of the person who acted in good faith and of any children born out of the union.

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CHAPTER IV

ON PUBLICITY AND PROOF OF UNION IN FACT AFFECTIVE

Article 317. Publicity. 1. The existence of a de facto union shall be recorded in the section on affective de facto unions in the registry corresponding to the place where it was notarized or where its existence was judicially recognized.

2. Its termination and the agreements entered into by the couple, for evidentiary purposes only, are registered outside the main entry of the registration of the de facto affective union.

3. Registration of a new de facto affective union is not permitted without first registering the termination of the pre-existing one.

4. The agreements entered into by the members of the de facto affective union, as well as their modification or termination, are enforceable against third parties from the moment they are registered.

Article 318. Proof of the existence of a de facto affective union. 1. The existence of a de facto affective union may be accredited by any means of proof before the notary who issued the instrument or the court before which its recognition is sought.

2. Only the registration in the corresponding registry of the deed of notoriety that has executed it or the judicial resolution that has recognized it, generates the legal effects provided for in this Code.

3. Such registration does not create a new marital status.

Article 319. Constant possession of a de facto affective union. In any proceeding unrelated to the resolution of family disputes in which the existence of a de facto affective union cannot be proven in accordance with the provisions of Articles 308 and 309 of this Code, the continued possession of said union, together with the certificates of the birth registration of the daughters and sons, if any, shall constitute proof of its existence, with the effects provided for in Chapter IV of this Title.

CHAPTER V

OF THE EFFECTS OF THE AFFECTIVE DE FACTO UNION

Article 320. Limits. The personal and property relationships of a de facto couple must always be governed by the rights, duties, and guarantees recognized for all persons in the Constitution of the Republic of Cuba.

Article 321. Personal Relationships. 1. Members of a de facto emotional union owe each other mutual assistance, solidarity, loyalty, consideration, and respect for as long as their shared life plan persists.

2. They are compelled to develop their relationships free from the use of violence and discriminalization in any of its manifestations.

Article 322. Property Relations. 1. The economic relations between members of a de facto affective union are governed by the provisions of the agreement they have entered into.

2. In the absence of an agreement, each member of the union freely exercises the powers of administration and disposal of the assets owned by him.

3. The rules contained in articles 213 to 220 of this Code, relating to the provisions common to all matrimonial property regimes, apply where relevant to affective de facto unions.

Article 323. Liability for debts owed to third parties. 1. Members of a de facto union are jointly and severally liable for debts incurred by one of them with third parties to meet ordinary household needs that fully support the achievement of family goals.

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2. The same procedure applies to minor children, whether common or not, or adults with disabilities, or to other family members in their care, which entails a situation of economic vulnerability.

3. Outside of these cases, and unless otherwise provided in the agreements, neither one of the members of the union is responsible for the obligations of the other.

CHAPTER VI

ON THE TERMINATION OF AFFECTIVE DE FACTO UNION

Article 324. Termination of a de facto affective union. 1. The de facto affective union is extinguished by:

a) Death of one of its members;

b) a final judicial decision on the presumption of death of one of its members;

c) marriage between the members of the de facto affective union;

d) mutual agreement, through a notarial public deed, if it has been instrumented previously registered and inscribed in the corresponding registry; or

e) marriage or by unilateral will of one of the members of the couple, contained in a notarial public deed and, in both cases, duly notified to the other.

2. When the cause for the termination of the de facto affective union is that provided for in subsection d) of the previous section, they must document its termination before a notary public, as well as that of any property-related agreements they have established.

Article 325. Distribution of assets. 1. In the absence of an agreement, assets acquired during the existence of a de facto affective union belong to the member of the couple in whose name they were acquired, without prejudice to the application of the principles relating to solidarity, the prohibition of unjust enrichment and the interposition of people.

2. Assets acquired jointly are those obtained by a member of a de facto couple with purchasing power when the other provided financial support through housework or when, due to age, disability, illness or other insurmountable impediment, they were unable to work and, in addition, lacked other means of subsistence.

3. The legal regime of co-ownership applies to assets acquired in common by quotas established in the Civil Code.

Article 326. Preferential allocation of assets and rights based on the valuation of domestic and care work. In appropriate cases, the use and enjoyment of jointly acquired assets may be assigned to the person who has been engaged in such work until the liquidation transactions are judicially approved.

Article 327. Right to alimony and financial compensation. Alimony and financial compensation may be awarded to a partner in a vulnerable situation if the conditions provided for in Articles 275 and 276 of this Code are met.

Article 328. Succession rights. The death or judicial declaration of presumption of death, contained in a final resolution of one of the members of the de facto affective union, creates for the survivor succession rights of the same nature as those of a spouse.

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Article 329. Termination agreements regarding children. 1. Once the termination of the de facto emotional union has been mutually agreed upon, the members of the couple may determine, through an agreement, executed in a notarized public deed, with the intervention of the public prosecutor's office, matters relating to the children, in the following terms:

a) The custody and care regime for the couple's common minor daughters and sons, and correspondingly, the communication regime adopted for this purpose;

(b) the determination of the amount of child support owed to minor children, or children of legal age enrolled in a national educational institution that makes it difficult for them to regularly engage in paid work, or disabled adults; the content of the obligation, the currency of payment, and the place and time of its fulfillment; and

c) any other aspect contained in the exercise of parental responsibility.

2. With regard to minor children who are part of the couple's common household, in the case of reconstituted families, the agreement shall comply with the provisions of this Code on the legal status of children.

3. In the event that daughters and sons are disabled, such circumstances are taken into account to make reasonable adjustments in order to adequately weigh the legitimate interests of the persons involved.

4. The prosecution issues a written ruling on such agreements, after hearing the daughters and the children, so that they comply with the law, equity and their best interests.

Article 330. Judicial determination of the legal status of relationships with minor children. 1. If, after the termination of the de facto emotional union, there is no agreement between the members of the couple, the issues relating to their relationships with their minor children referred to in the previous article shall be settled through judicial channels in the manner regulated by the Code of Procedure.

2. The provisions of the previous article regarding minor children with disabilities shall also be taken into account by the court.

Article 331. Attribution of the real right of habitation of the dwelling where one resided the affective de facto union. The rules relating to the real right of habitation contained Article 285 of this Code also applies to de facto affective unions.

TITLE VIII

FROM OTHER INSTITUTIONS OF GUARDIANSHIP AND PROTECTION IN THE FAMILY ENVIRONMENT

CHAPTER I

COMMON PROVISION FOR DE FACTO CUSTODY AND TO FAMILY FOSTER CARE

Article 332. Scope of application. The provisions on de facto guardianship and foster care of minors may not contradict the regulations provided in this Code for:

a) The voluntary delegation of the exercise of parental responsibility;

b) the rights of grandmothers, grandfathers, other relatives and people emotionally close to them nearby;

c) the duties and rights of related mothers and fathers with respect to their daughters and sons related; and

d) rules for family caregivers.

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CHAPTER II
OF THE GUARD OF FACT

Article 333. Scope. De facto guardianship is a permanent and voluntary protection institution through which a person related by family or emotional ties, without being legally obliged to do so and without judicial or administrative appointment, assumes ongoing duties of care in the personal and property spheres regarding minors, older adults, or people with disabilities, provided that no other voluntary or judicial measures are being effectively applied.

Article 334. Proof. The existence of de facto guardianship may be proven by notarization, through a deed of notoriety, or by any other legally valid means of proof.

Article 335. De facto guardianship of minors. De facto guardianship of minors is temporary and is maintained until:

a) Restore parental responsibility of its holders; b) judicially authorize their adoption; c) grant a notarized public deed or judicially approve the agreement of delegation. gation of the exercise of parental responsibility;

d) provide them with guardianship; or

e) adopt any other measures established in this Code for the protection of girls, boys and adolescents.

Article 336. De facto guardianship of adults. De facto guardianship of adults may be permanent as long as it is properly exercised and there is no reason to advise adopting another protective measure, or temporary until the appropriate protective measure is voluntarily or judicially decided upon.

Article 337. Content. 1. The person exercising de facto guardianship must protect the person under guardianship and always act in the latter's best interest, and their actions are limited to acts of a personal nature, providing necessary care and assistance.

2. In the case of acts of a patrimonial nature, its actions only include the administration ordinary treatment.

3. In any case, it must comply with the general criterion of respect for the capacity and progressive autonomy of the minor and the wishes, desires and preferences of the adult person in care, facilitating the decision-making process.

Article 338. Judicial recognition of de facto custody and acts it includes. 1. The person exercising de facto guardianship may request judicial recognition through the voluntary jurisdiction procedure and, thus, of the powers to carry out specific acts that entail risk to the life, health, physical integrity, or freedom of the person under their care when the latter cannot do so themselves.

2. If the person concerned is a minor, and the nature of the acts requires proof of representation, the person exercising de facto guardianship must request the corresponding judicial authorization authorizing the celebration of one or more of these acts in a specific manner.

Article 339. Oversight of the actions of the person exercising de facto guardianship. Any person with a legitimate interest or the public prosecutor's office may request the establishment of any control and monitoring measures they deem appropriate regarding the actions of the guardian, and also request that the guardian report and account for the situation of the person and property requiring guardianship.

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Article 340. Compensation and liability. 1. The person exercising de facto guardianship has the right to reimbursement of expenses and compensation for damages caused to his or her assets by the exercise of his or her duties, provided there is no fault on his or her part, and at the expense of the assets of the person requiring guardianship, if compensation cannot be obtained by other means.

2. Acts carried out within the scope of its jurisdiction, in the interest of a minor or for the benefit of an adult requiring guardianship, cannot be challenged if they are advantageous and contribute to its usefulness.

3. In the case of damages and losses caused by the person exercising de facto guardianship to the person who requires it, the rules of extracontractual liability referred to in the Civil Code shall apply, where relevant.

Article 341. Termination. 1. De facto guardianship is terminated when the causes that gave rise to it disappear or when other protective measures are adopted that, due to their content, are incompatible with its exercise.

2. At the end of the de facto guardianship, if there are reasons that warrant it or it is considered necessary, the person who exercised it may be ordered to render a final account of his or her management.

Article 342. Administrative de facto guardianship. If the person admitted to a social assistance center is subject to parental or guardianship responsibility, the person in charge of the center exercises de facto guardianship.

CHAPTER III

FROM FOSTER CARE

FIRST SECTION

On foster care of minors

Article 343. Foster care for minors. Foster care is a preferential and alternative protection measure to institutional care, ordered by the judicial authority, and intended to provide the child or adolescent with a family environment more appropriate to their emotional and developmental needs, according to their circumstances, when:

a) He is deprived of his family environment of origin;

b) it is impossible for the family environment to guarantee their well-being; and

c) is deprived of the necessary emotional or material assistance as a result of the failure or inadequate exercise of the protection duties established by law by the holders of parental responsibility.

Article 344. Purpose. Foster care is provided with the primary objective of supporting efforts aimed at ensuring that the child or adolescent remains in a family environment with conditions that promote their comprehensive and harmonious development, while an appropriate and permanent solution is found for their earliest possible reintegration into their family of origin or, if applicable, to facilitate their subsequent adoption.

Article 345. Participants in foster care. The participants in foster care are:

a) The girl, boy or adolescent who needs to be taken in by a family due to lack of from the care of those who are legally obliged to do so;

b) the foster family, which must meet the requirements established in this Code; c) the family of origin that, for various reasons, is not suitable to provide the necessary care to the minor; d) the public prosecutor's office; and

e) the court.

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Article 346. Requirements. Members of a foster family must meet the requirements established for those designated as guardians.

Article 347. Provisional. Foster care is provisional and transitory and remains in effect as long as the situation that gave rise to it persists and until the problems preventing the holders of parental responsibility from properly exercising it are resolved. This does not create a legal family bond between the foster family and the minor being fostered.

Article 348. Duties assumed in foster care. 1. The duties assumed in foster care are similar to the personal care of children and adolescents, to the same extent as those required of those with parental responsibility and guardians.

2. The minor being fostered owes respect and consideration to the foster family.

3. The court designates within the foster family the person who assumes primary responsibility for the foster care and who is entitled to initiate any necessary actions on behalf of the minor being fostered.

4. In cases of marriages or de facto affective unions, this responsibility corresponds to joint responsibility for spouses or de facto emotional partners.

5. This responsibility does not include powers of representation or administration and disposal of assets, which continue to correspond to the holders of parental responsibility who have not been deprived of this or to the person exercising guardianship.

Article 349. Legal obligation to provide support. The person appointed by the court within the foster family has the legal obligation to provide support to the minor, in accordance with the provisions of Article 25 of this Code, without prejudice to the obligations of mothers and fathers, even in cases where they do not have parental responsibility.

Article 350. Types of foster care. Foster care for minors may take place within their own extended family, or with a family outside their own family to whom the judicial authority has entrusted their care, in a domestic setting distinct from their family of origin.

Article 351. Pre-adoption care. Those who have placed a minor in foster care have preferential treatment for adoption, provided they meet the legal requirements.

Article 352. Emergency family care. When it is necessary to provide immediate care to a child or adolescent without having to institutionalize him or her, the court may urgently order family care for a period of up to six (6) months until the final family protection measure is decided.

Article 353. Causes for the termination of foster care for minors old age. 1. The foster care ends for the following reasons:

a) The reintegration of the child or adolescent into their family of origin; b) the adoption or guardianship of the child or adolescent; c) the age of majority of the minor in care;

d) the death or judicial declaration of presumption of death of the person received;

e) death, judicial declaration of presumption of death of the person who assumes the main responsibility for the care or having been appointed as intensive support with powers of representation, except in the case of a marriage or a de facto affective union, in which case the care measure subsists with respect to the survivor or the cohabitant who has no reason preventing him from doing so due to his disability;

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f) request from the person who assumes primary responsibility for the care for a legitimate and duly justified reason; or

g) failure to perform the duties of the host family.

2. In the last three cases, the cessation of foster care may generate a new appointment.

Article 354. Consent for the formalization of foster care.
For the formalization of foster care, the opinion of the minor is taken into account, in accordance with their capacity to understand, the possibility of forming their own opinion and their progressive autonomy, as well as the criteria of the members of the foster family.

SECOND SECTION

On foster care for elderly or disabled adults

Article 355. Scope. The foster care of elderly or disabled adults referred to in this Section is provided between persons not legally obligated to provide support, or between persons who are emotionally close or united by a clear emotional bond, regardless of whether or not they are related.

Article 356. Purpose. 1. The purpose of foster care for elderly or disabled adults is to maintain them in their usual social environment or to integrate them into a family setting, facilitate their integration and inclusion, respect their right to live in a family, and prevent their institutionalization when this is inappropriate or unwanted.

2. Coexistence resulting from the foster care that one or more people offer to another or other people occurs under conditions similar to the relationships that occur within the family.

Article 357. Methods and purpose. 1. Hosts and received persons live together in the same dwelling belonging to either of them, so that the former may care for the latter, provide them with food, provide assistance, ensure their general well-being, and attend to them in times of illness, while respecting their capacity for self-determination.

2. When cohabitation is the result of a voluntary food agreement, it is governed as provided in said agreement, in accordance with the rules regulated in this Code.

Article 358. Form. 1. Foster care agreements may be implemented through a notarial public deed containing the conditions, duration, possible causes of termination, and their effects.

2. If the foster care agreement includes voluntary maintenance, it must be formalized by public deed, in accordance with the provisions of this Code.

Article 359. Duration. Foster care for elderly adults or persons with disabilities may be temporary or indefinite, depending on the circumstances requiring it and the provisions of the foster care agreements.

Article 360. Duties of foster parents. 1. The foster parent(s) must always act in the best interest of the foster parent(s), attend to their material and emotional needs, respect their communication and ties with other family members and emotionally close relatives, fully protect their physical and psychological health, and foster their social integration.

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2. They must seek measures to ensure their full development and their family, community and social integration, as well as the affection, respect, consideration, solidarity, health preservation, appropriate family environment and adequate recreation that these people require.

3. They must also be informed and trained on the treatment they should provide to people with disabilities in order to achieve a better understanding and individualized care.

Article 361. Causes for Termination. 1. Foster care for elderly or disabled adults may be terminated due to:

a) The causes provided for in the agreements established for such purposes;

(b) the agreement between the foster parents and the fostered person or the will of one of them; (c) the death or judicial declaration of the presumption of death of the foster parent; in cases where more than one person is fostered, the foster care agreement is maintained with respect to the person who has not died; (d) the death or judicial declaration of the presumption of death of the foster parent; in cases where it is exercised by more than one person, the foster care agreement is maintained with respect to the person who has not died; (e) the will of one of the parties, and with immediate effect, if the other party fails to comply with their duties or if any cause is attributable to them that makes cohabitation difficult; and

f) failure to comply with the duties of foster parents in providing care to foster parents with disabilities.

2. The termination of foster care can be recorded in the same way planned for formalization.

Article 362. Effects of Termination. 1. When foster care does not include the voluntary maintenance provisions referred to in Chapter V of this Title, the effects of its termination are at the discretion of the parties, and neither party shall create any property rights.

2. If voluntary maintenance was agreed upon, it shall be subject to the provisions of the contract that gave rise to it in accordance with the rules contained in this Code.

CHAPTER IV

ON THE INSTITUTIONAL CARE OF MINORS

FIRST SECTION

General provisions

Article 363. Scope. The placement of minors in social assistance centers and homes occurs in collective institutional settings, where children and adolescents are provided with living conditions similar to those of a home.

Article 364. Purpose. Institutional care is a temporary protection measure, ordered by the competent authority, which aims to provide a child or adolescent with protection and attention to their emotional and developmental needs according to their circumstances, when they are deprived of their family environment of origin or when it is impossible for this environment to adequately guarantee their well-being, or as a consequence of non-compliance with or inadequate exercise of parental responsibility, and always with the preferential objective of their prompt reintegration into the family nucleus of origin or, if applicable, facilitating their foster care or adoption, in accordance with what best suits their best interests.

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Article 365. Procedure for urgent internment. Any person, official, or institution that, in the performance of their responsibilities, learns of cases of girls, boys, or adolescents who are in a state of lack of protection, risk, or abandonment, or that the holders of parental responsibility, guardians, or de facto custodians seriously fail to fulfill their duties, must urgently report this to the corresponding authority of the Ministry of Education or the Ministry of Public Health so that they can immediately guarantee their placement in one of the social assistance centers dedicated to these purposes, provided that there is no relative or emotionally close person who can take care of them. They shall likewise report to the Public Prosecutor's Office while the relevant investigations are carried out or another protective measure is adopted.

Article 366. Guardianship or de facto guardianship. 1. Those who manage social assistance centers and homes have administrative guardianship over the children and adolescents housed therein for whom parental responsibility or guardianship is not exercised.

2. Outside of the above cases, they have de facto custody.

Article 367. Permanence of emotional ties with the family of origin. The management of social assistance centers and homes must promote and guarantee that children and adolescents housed there can exercise their right to maintain personal relationships and regular direct contact with their mothers, fathers, other relatives, and emotionally close persons, provided this is not contrary to their best interests, and, if possible, return to their family of origin as soon as possible or arrange for their foster care.

Article 368. Circumstances and time limits for promoting the deprivation of parental responsibility. In the event that the holders of parental responsibility fail to fulfill their duties towards their internal daughters and sons by neglecting them in an evident, systematic manner and without justified cause for one hundred and eighty (180) days, the person who holds the de facto administrative custody of the girl, boy or adolescent, after this period has elapsed, initiates the procedures referred to in Article 192 of this Code for the purposes of their possible adoption.

Article 369. Oversight of the management of administrative guardians and de facto custodians. The Prosecutor's Office annually oversees the management of administrative guardians and de facto custodians of minors admitted to social assistance centers and homes and adopts the necessary decisions in each case to guarantee the best interests of the children and adolescents.

SECOND SECTION

From supportive families linked to social assistance centers and homes

Article 370. Scope. A foster family is one that voluntarily joins social assistance centers and homes to house, care for, and look after children and adolescents during weekends, vacations, and other periods, providing them with the attention, care, and affection they require in a family setting.

Article 371. Designation. 1. The directors of social assistance centers and homes are authorized to designate foster families that house children and adolescents and, within these families, the individuals who have primary responsibility for care. To this end, they conduct the corresponding investigations and are assisted by the criteria of authorized specialists to ensure that they can fully fulfill their responsibilities.

2. In any case, it is a requirement to listen to the opinion of the minor, in accordance with with their progressive capacity and autonomy, before joining a supportive family.

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Article 372. Responsibilities. The duties of those with primary care responsibility within the foster family are similar, to the same extent, to those required of those with parental responsibility regarding personal, emotional, and protective care, without prejudice to the responsibility of the management of social assistance centers and homes that maintain administrative guardianship or de facto custody of said children and adolescents.

Article 373. Preferential option. Adoption is not the purpose of foster families, but if they request it and it is appropriate and beneficial for the best interests of the minor being fostered, the procedure is carried out in accordance with Article 351 of this Code.

Article 374. Permanence. 1. The permanence of a child or adolescent within a supportive family is determined by their best interests and the emotional ties that have been created between them.

2. The management of the social assistance center periodically evaluates the minor's stay within the foster family, and the care and attention provided with the assistance of trained personnel.

3. Failure to comply with the duties that correspond to the supportive family, determined-
the immediate disassociation of the minor from the same.

CHAPTER V

OF VOLUNTARY FOOD

Article 375. Scope. 1. Voluntary support is established through a support contract, where the person providing support is obligated to provide support to the person receiving support in exchange for the transfer of assets or rights as compensation.

2. When the maintenance contract involves the transfer of a movable or immovable property subject to public registry, it is registered therein for the purposes of enforceability against third parties.

3. The assets and rights transferred by the recipient of alimony to the recipient of alimony cannot be transferred by the latter to a third party during the term of the contract.

4. If the prohibition contained in the previous section is violated, the contract entered into by the recipient of food with the third party is void.

Article 376. Exception. Persons, whether or not they are related by blood, may enter into a maintenance contract, except in the case of the first-degree relative, as provided in Article 28 of this Code. In any case, those within the first degree of a direct line, or between spouses, or between members of a de facto emotional couple.

Article 377. Content of the contract. 1. The contracting parties determine the scope of the obligation to provide support, with ample room for autonomy between the parties.

2. In the event of no agreement in this regard or if the circumstances considered at the time of the agreement change, the contract shall be deemed to include all types of assistance, i.e., food, maintenance, lodging, recreation, family support, personal and emotional care, living conditions, and limits on the performance of the service.

3. The provider is obliged to provide food until death or declaration of judicial action of presumption of death of the recipient of alimony, unless otherwise agreed.

Article 378. Form. The maintenance contract is formalized by means of a notarial public deed.

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Article 379. Stipulation in Favor of a Third Party. 1. The maintenance contract may be entered into with a stipulation in favor of a third party, so as to guarantee the personal and property protection of those with disabilities, elderly adults, minors, and the unborn child.

2. In addition, the rules of the Civil Code on the matter apply.

Article 380. Breach of obligations by the person providing support. If the person providing support fails to fulfill the principal obligations arising from the contract, the other party to the contract, or, where appropriate, the prosecutor or family advocate, may seek judicial resolution of the contract, with the consequent restitution of the transferred assets and rights.

Article 381. Possibility of agreement by legal entities. Legal entities whose purposes include care and assistance may enter into this contract, obligating themselves to provide support to dependent or vulnerable persons.

Article 382. Death of the person paying the alimony or any other circumstance that prevents the fulfillment of the obligations arising from the contract. 1. If, during the term of the contract, the person paying the alimony dies or is declared presumptively dead, the contract is terminated and, consequently, the assets and rights transferred revert to the person receiving the alimony.

2. The provisions of the preceding paragraph also apply when any circumstance arises that seriously affects the physical or mental health of the person providing support, or any other event that prevents him from performing by himself the services to which he was obliged by reason of the contract.

CHAPTER VI

OF THE GUARDIANSHIP

FIRST SECTION

General provisions

Article 383. Scope and methods of deferral. 1. Guardianship is an institution for the family and social protection of the person, property, and rights of a child or adolescent who has not fully exercised their legal capacity, when there is no one exercising parental responsibility.

2. Guardianship may be deferred by will, by notarial public deed or by judicial resolution.

Article 384. Constitution and Purpose. 1. In all cases, guardianship is established by judicial resolution issued by a competent court, and its purpose is the custody and care, education, defense of the rights, and protection of the property interests of minors for whom the guardianship or exercise of parental responsibility is not held.

2. The prosecution always intervenes in the process.

Article 385. Plural guardianship. 1. Guardianship may be exercised by up to two persons; in such circumstances, differences of opinion shall be resolved before the court that established it, with the intervention of the public prosecutor's office.

2. When plural guardianship is established, the content of the powers and duties is determined. that correspond to and for which each of the tutors is held responsible.

Article 386. Testamentary Guardianship. 1. The holder of parental responsibility who is not deprived or suspended from exercising such responsibility may defer guardianship of his or her minor children by will.

2. If there are provisions of the holders of parental responsibility, they apply jointly, provided they are compatible.

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3. If this is not the case, the court competent to establish guardianship must adopt the provisions it considers most appropriate to the best interests of the child or adolescent.

4. Any provisions that exempt the guardian from taking inventory or authorize him to receive assets without fulfilling said requirement, or release him from the duty to render accounts, are void.

Article 387. Judicial Verification. 1. To establish guardianship, the court verifies, through the voluntary jurisdiction procedure, whether the person in whose favor the guardianship is being granted meets the requirements set forth in this Code. It will also hear the opinion of the child or adolescent, in accordance with their age and degree of maturity, and whether this is in their best interests.

2. In the case of plural guardianship, if one of the persons in whose favor the guardianship is deferred does not meet the requirements established in this Code, the court shall establish guardianship in favor of the person who does meet them, in which case a single-person guardianship is established.

Article 388. Guardianship voluntarily deferred by non-testamentary act. 1. Those holding parental responsibility, in the circumstances provided for in the two preceding articles, may defer guardianship to one or more guardians through a legal act contained in a notarial public deed, the effects of which are subject to:

a) His death or the judicial declaration of presumption of death; or

b) that a situation of disability arises which entails the appointment of a intense support with powers of representation.

2. The other provisions contained in these articles also apply.

Article 389. Special guardianships. 1. The appointment by judicial means of special guardianships in the following cases:

a) When the holders of parental responsibility do not have the administration of the assets of minor daughters and sons;

(b) when the person in respect of whom guardianship has been established has acquired property, on condition that it be administered by a specific person or not by his guardian; or

c) when specific knowledge is required for proper administration due to the characteristics of the asset to be administered.

2. Special guardianships are carried out through the voluntary jurisdiction procedure and are subject to the same requirements, rules of constitution and registration established in this Code for ordinary guardianship.

Article 390. Dative guardianship. 1. In the absence of a guardian or guardians designated by the holders of parental responsibility, or in the event of the excuse, refusal, or inability of those designated to exercise their guardianship, the court must grant guardianship to the person most suitable to provide protection to the child or adolescent, and must provide reasonable grounds justifying such suitability.

2. In the event that there are two most suitable persons, a plural guardianship is established.

Article 391. Acceptance of the position and non-waiver. Acceptance of the position of guardian is voluntary, but once accepted, it cannot be waived, except for legitimate reasons duly justified in the judgment of the court.

Article 392. Persons with the duty to report the transfer of guardianship. 1. The following persons have the duty to inform the prosecutor's office of the need to appoint a guardian for a child or adolescent, so that the prosecutor can initiate the corresponding proceedings:

a) Those who live with the minor;

b) the closest neighbors or the most immediate mass organizations; and

c) public officials who, by reason of the performance of their duties, are aware of the existence of the state of necessity referred to in the initial paragraph of this article.

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2. They may also inform the prosecutor's office of the need to initiate the process of appointing a guardian for a child or adolescent, their relatives up to the third degree of consanguinity and second degree of affinity, regardless of whether any of them can do so.

Article 393. Persons who may request guardianship. The establishment of guardianship of a child or adolescent may be initiated by their relatives up to the third degree of consanguinity or second degree of affinity, or by the public prosecutor's office whenever it deems it necessary, based on the information received as referred to in the previous article, or when a final judgment deprives or suspends the person exercising parental responsibility.

Article 394. Rules for the constitution of guardianship. 1. To constitute guardianship, whether unilateral or plural, outside the cases of testamentary guardianship or by legal act contained in a notarial public deed, the court summons the relatives of the child or adolescent up to the third degree of consanguinity and second degree of affinity who reside within its jurisdiction, or within that of another court in the same city or town where it has its headquarters, for the purpose of holding an appearance in which all those attending and the opinion of the minor are heard, in accordance with their age and psychological and emotional maturity.

2. To proceed with the appointment of the tutor, the following rules are followed:

a) The preference expressed by the minor;

b) the majority opinion, if any, of the aforementioned relatives insofar as it is acceptable, in the judgment of the court;

(c) if the holders of parental responsibility have delegated the exercise of parental responsibility for their daughters and sons to a relative, it is presumed that they will appoint that person as their guardian, unless it is not in their best interest;

(d) If it is not possible to appoint a guardian in accordance with the above rules, the court decides, guided by what is most beneficial to the best interests of the minor, and, all other things being equal, appoints the guardian to the relative in whose company he or she is present; and

e) If the person is not in the company of any relatives, or is in the company of several of them at the same time, preference is given, within the family members, to the person with whom the emotional ties with the child or adolescent are closest, also taking into account their best interests.

3. When special reasons so advise, the court may appoint a guardian who is not related to the minor; in this case, it appoints a person who shows an interest in taking care of the child or adolescent, based on their emotional ties, preferring someone who has previously cared for them.

Article 395. Requirements for appointment. To be appointed guardian of a person, For minors, the following is required:

a) Be of legal age; b) have observed conduct that reasonably allows us to assume that they will fulfill the duties established in Article 138 of this Code with respect to the ward;

c) be a resident in the country and remain there for the majority of the time with the ward, with exceptions, subject to prior authorization from the court;

d) have sufficient income to cover the ward's expenses as necessary;

e) not have a criminal record for crimes related to gender or family violence, against freedom and sexual integrity, or against children, youth and the family;

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(f) that he or she has not been deprived or suspended from the exercise of parental responsibility for his or her daughters and sons, or removed from the guardianship or support of a person with a disability, for reasons attributable to him or her; (g) that

he or she has no conflicting interests with the minor; and

h) other causes that, in the opinion of the court, disqualify the person from being a guardian.

Article 396. Administrative Guardianship. 1. Administrative guardianship is exercised by those who manage social assistance centers and homes over minors housed in said establishments, and for whom there is no parental responsibility or guardianship, in the manner established in Article 366 of this Code.

2. Representation of the ward before the courts by those exercising administrative guardianship may be delegated to a member of the legal staff of the respective agencies or by appointing a family advocate.

SECOND SECTION

On the exercise of guardianship

Article 397. Representation. The guardian legally represents the minor in all legal acts that are not of a personal nature, without prejudice to the personal actions of the child or adolescent in exercising their right to be heard and the progressive recognition of their autonomy granted by law or authorized by the competent court.

Article 398. Duties of the guardian. 1. The guardian, with respect to the ward, has the following duties:

a) Educate and guide him/her based on positive, non-violent and participatory parenting methods, in accordance with the provisions of articles 138, paragraph c) and 146 of this Code;

b) take care of their food;

c) make an inventory of their assets and submit it to the court within the period set by the court;

d) diligently manage their assets;

e) request the court's authorization for necessary acts that he cannot perform without her; and

f) periodically report on the management of the guardianship before the competent court, when this is established.

2. If the ward's resources are not sufficient to meet his or her financial needs,

In this case, the guardian may sue the court to provide support to those who are obliged to provide it.

3. The duties that the position of guardian entails are non-delegable, except for the exception for the legal representation of the ward before the courts provided for in Article 396.2 of this Code for those who exercise administrative guardianship.

Article 399. Duties of the Ward. Minors for whom guardianship is established owe respect and consideration to the guardian.

Article 400. Ward with a disability. The guardian of a minor with a disability is responsible for taking the necessary actions to enable their inclusion in school, community, and society, as well as promoting the full enjoyment of all their rights and freedoms, especially those pertaining to family life, on equal terms with other children and adolescents. To this end, the guardian must attend to the development of their abilities and encourage the development of their potential.

Article 401. Property safeguards. 1. When supervising the exercise of guardianship, the court may directly order the deposit of the ward's cash, jewelry, and other high-value assets, in accordance with the provisions of the Code of Procedure.

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2. You can also determine the availability limits for the funds the ward has in his or her bank account.

Article 402. Acts for which judicial authorization is required. The guardian needs court authorization to:

a) To admit the ward to a health facility for a prolonged period of time to receive medical treatment related to his or her mental health;

b) carry out acts of ownership or any other act that may compromise the assets ward's child;

c) refuse donations, renounce inheritances, legacies or other dispositions due to death, as well as to divide these or other assets that the ward possesses in common with others;

d) make major investments and repairs to the ward's property; and

e) compromise or accept claims brought against the ward.

Article 403. Utility and Necessity. The court may only authorize the guardian to dispose of the ward's property for reasons of utility and necessity that are duly justified.

Article 404. Prohibited acts. 1. The person exercising guardianship may not agree with his or her ward to acts that are prohibited to mothers and fathers with respect to their minor daughters and sons.

2. The guardian may not enter into any contract with the ward before the approval of the you give the accounts judicially.

Article 405. Civil liability of the guardian. 1. The guardian is liable for damages and losses caused to the ward in the exercise or performance of his or her duties through his or her fault, whether by action or omission.

2. The ward, his or her relatives, or the prosecution may exercise any actions arising from the unlawful act for the purpose of reparation or compensation, as appropriate, in accordance with the provisions of the Civil Code.

Article 406. Accountability. 1. The guardian is obliged to render accounts of the guardianship periodically within a minimum period of one (1) year before the court with the intervention of the prosecutor's office.

2. When guardianship ceases or the guardian is removed, he or, where applicable, his heirs, is obliged to render a final account of his administration.

3. The accounts of the guardianship are examined by the court for approval, or for make the corresponding repairs or arrange the corresponding refunds, as appropriate.

Article 407. Removal of the guardian. 1. When the guardian, during the exercise of guardianship, ceases to meet the requirements established by this Code for his appointment, or when he fails to fulfill the duties imposed upon him, the court may order his removal ex officio or at the request of the public prosecutor's office or of the ward's relatives within the third degree of consanguinity or second degree of affinity who are aware of such circumstances.

2. In order for the prosecutor's office to take action, the persons referred to in sections a) and b) of Article 392.1 of this Code must bring to its attention the facts that, in their opinion, may determine such removal.

3. Guardianship may also be removed by a final criminal sentence in the cases of crimes committed as a result of gender or family violence.

Article 408. Death or judicial declaration of presumption of death of the guardian. 1. In the event of death, judicial declaration of absence or presumption of death of the guardian, his executor, his heirs or the other guardian, if any, they must immediately notify the competent court.

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2. In such circumstances, urgent measures must be taken to protect the person.
sona and the property of the ward.

Article 409. Termination of guardianship. Guardianship is terminated by:

a) The ward reaches the age of majority; b) is
adopted; or

c) the death or judicial declaration of presumption of death of the ward.

Article 410. Free position and management expenses. 1. Guardianship shall be exercised free of charge.

2. The guardian has the right to reimbursement for reasonable management expenses incurred, even if they do not benefit the ward. This right to reimbursement is exercised against the ward's estate, in accordance with the provisions of the Civil Code, subject to court approval.

SECTION THIRD

From the guardianship registry

Article 411. Contents of the registration of guardianship. The registry kept by the courts of each guardianship established in its territory must contain:

a) The name, surname, age, sex and address of the ward, and the provisions adopted by the court regarding the exercise of guardianship;

b) the name, surname, age, sex, occupation and address of the guardian;

c) the date on which the guardianship was established;

d) the reference to the inventory of the assets, which is kept in a separate file with the deposit receipts and the limitations on bank account operations; and

e) the center where the ward is interned and any changes of establishment that may occur carry out, if applicable.

Article 412. Registration of the guardian's accountability report. 1. At the beginning of each year, the guardian's annual accountability report shall be entered at the bottom of each entry.

2. The annual accounting is submitted to the court corresponding to the guardian's domicile, which, in turn, notifies the court where the guardianship is registered, forwarding the minutes, accompanying documents, and any details that modify the data in the registration.

CHAPTER VII

OF FAMILY CAREGIVERS

Article 413. Scope. For the purposes of this Code, a family caregiver is someone who assumes full or partial responsibility for caring for one or more members of their family who, due to reasons arising from age, illness, or disability, are dependent on them for carrying out their daily activities and meeting their material and emotional needs.

Article 414. Content. The family caregiver is responsible for personal care, assistance with education and social life, administrative procedures, mobility, ongoing surveillance, psychological support, communication, domestic activities, or other similar activities, supported by other members of the family group.

Article 415. Respect for autonomy and dignity. Family caregivers jointly and altruistically share the decisions and conduct of the person in their care, ensuring that the autonomy, wishes, desires, preferences, and dignity of the person being cared for are respected in all cases.

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Article 416. Prohibition of discrimination and violence. The State, society, and families act to prevent all forms of abuse, exploitation, discrimination, and violence in any of its manifestations against family caregivers or against the person they care for.

Article 417. Training. The State must institutionally guarantee the training processes necessary to equip family caregivers with the specific skills that enable them to perform their activities optimally and comprehensively, to be able to prevent actions or practices that may cause harm or aggravate existing conditions, and to care for themselves.

Article 418. Rights of family caregivers. Family caregivers are granted the following rights:

a) Know the medical diagnosis of the person they care for and everything related to their illnesses, and access all the information that facilitates their care; b) Receive training to provide optimal care and have the necessary time to learn how to do so;

c) take care of herself and rest, dedicate time to personal activities that do not include her family, and enjoy health services and networks that provide economic, moral, psychological, physical and social support;

d) be treated with respect, receive cooperation from other family members and refuse excessive or inappropriate demands from the person they care for;

e) that other people participate in the care of their family member, even if the family member objects, if it is for an unjustified reason, as well as recognizing the limits of their own strength and resistance;

f) carry out their work part-time or full-time, as the case may be, in such a way that they can reconcile it with their personal, family, and social life plans; g) be reimbursed or reimbursed, in accordance with the provisions of the Civil Code, for the expenses or disbursements they assume with their own assets in caring for the family member; and

h) have support networks for family care at the community and institutional levels.

Article 419. Duties of the family caregiver. The family caregiver has the following duties:

a) Facilitate the decisions, inclusion and social participation of the person for whom they care, promoting the greatest possible material and formal autonomy in relation to their possibilities and guaranteeing in all cases the dignity of the family member under their care;

b) share with other family members decisions related to care and any other aspect related to the person they care for, which in no case should affect their well-being and quality of life; and

c) not to use the patrimonial resources at its disposal for personal benefit.

Article 420. Broad Application. The foregoing provisions apply, as appropriate, to those who serve as personal assistants, informal caregivers, and professional caregivers who are not family members of the person being cared for.

TITLE IX

OF OLDER ADULTS AND PEOPLE WITH DISABILITIES IN THE SOCIO-FAMILY ENVIRONMENT

CHAPTER I

OF OLDER ADULTS IN THE SOCIO-FAMILY ENVIRONMENT

Article 421. Right to a dignified family life. Older adults have the right to a dignified family life, with the family being primarily responsible for addressing their emotional and financial needs. Their privacy, communication, and ties with other family members must also be respected.

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Article 422. Right to an autonomous and independent life. Families, society, and the State must recognize and respect the self-determination of older adults, their right to make decisions, to define and develop their life plans autonomously and independently in accordance with their beliefs, under equal conditions, and to have mechanisms that allow them to exercise their rights.

Article 423. Right to choose one's place of residence. The right of older adults to choose their place of residence, whether permanent or temporary, and to determine with whom they wish to live, on equal terms with others, within the limits established by law, is hereby recognized.

Article 424. Right to a family life free from discrimination and violence. 1. Older adults have the right to live a family life free from discrimination and violence in any of its forms, within or outside the family home.

2. It is the responsibility not only of families, but also of society and the State, as far as each is concerned, to adopt measures of various kinds to punish and eradicate acts of violence and discrimination against older adults, as well as those that promote the reparation of the damage caused by these acts.

Article 425. Right to an accessible environment. 1. Older adults have the right to an accessible, safe, healthy, and adaptable environment that enables them to live independently and participate fully in all aspects of life.

2. Families, society, and the State must ensure accessibility for older adults on an equal footing with others.

Article 426. Right to self-regulation of future protection. Older adults have the right to configure the protection system that will govern when circumstances arise that make it difficult for them to exercise their legal capacity, based on their wills, desires, and preferences, which prevail over those adopted by the judicial authority.

Article 427. Reasonable Support and Adjustments. Families, society, and the State, in accordance with their respective responsibilities, shall make the necessary reasonable adjustments and create a support system that enables older adults to exercise and defend their rights, taking into account their dignity, autonomy, and choices.

Article 428. Right to social and family participation and inclusion. Families, society, and the State, in accordance with their respective responsibilities, have the duty to contribute to the protection of older adults through their organizations and institutions, and to provide them with social, community, and family participation and inclusion in an environment of full equality that allows them to develop their capacities and potential.

Article 429. Duties of older adults to their families. Older adults, to the extent that their physical and mental capabilities allow, have the duty to care for themselves and their families, as well as to actively participate in their daily lives, transmitting their life experiences, values, and principles of family and social behavior to younger members.

Article 430. Duties of families towards older adults.

1. Daughters, sons, and other family members have the duty to contribute to the satisfaction of the emotional and care needs and support of older adults, even if they do not reside together, as well as to preserve their property.

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2. If the elderly person is hospitalized in a social assistance center
It is the duty of their relatives:

a) Maintain the link between the institution and the family
home; b) maintain permanent contact with the institution;
c) attend whenever summoned;
d) accompany him/her during hospital admissions provided there are no circumstances that prevent them from
doing so; and e) any other action that contributes to their general well-being.

Article 431. Content of protection. 1. The protection of older adults includes their full development and the satisfaction of their emotional and property needs, as well as the physical, psychological, social, and legal aspects of their lives, based on values such as affection, respect for their will, desires, and preferences, consideration, inclusion, solidarity, and the preservation of their mental and physical health, in accordance with the principles of proportionality, subsidiarity, and respect for their autonomy.

2. Likewise, the acts that the person has granted in anticipation of
their future protection against the possible loss of skills associated with age.

Article 432. Institutional and community protection networks. State action for older adults, in coordination with their families, is primarily implemented through the National Health and Social Security and Assistance systems, as well as through the governing institutions of education, sports, recreation, culture, and others whose functions include guaranteeing these rights and developing the respective programs to ensure that these individuals live in proper physical, psychological, and social health and effectively enjoy dignity and self-determination.

Article 433. Role of mass and social institutions and organizations. Community institutions and social organizations must ensure the role of families in the care and attention of older adults and, if necessary, urge the relevant agencies to respond in order to effectively protect them and ensure their opportunities for participation and social inclusion.

CHAPTER II
OF PEOPLE WITH DISABILITIES IN THE SOCIOFAMILY ENVIRONMENT

Article 434. Right to a dignified family life. 1. Persons with disabilities have the right to a dignified family life and to be included in community and social life.

2. Society and the State, through their organizations and institutions, provide the support system, the necessary protection, education, and guidance that allows them to develop their capabilities and skills to the fullest.

Article 435. Exercise of rights under equal conditions. Families, society, and the State, as appropriate, guarantee support and make reasonable adjustments so that persons with disabilities may fully exercise their rights on an equal basis with others.

Article 436. Prohibition of interference in family life. No person with a disability, regardless of their place of residence, may be subjected to arbitrary or unlawful interference in their family life.

Article 437. Right to habilitation and rehabilitation. 1. The bodies, institutions, and organizations of society and the State promote habilitation and rehabilitation programs for persons with disabilities, so that they may develop their personal autonomy and independence in their social and family environment.

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2. Families promote the inclusion of people with disabilities in these programs and are involved in the process as part of their training to contribute to their appropriate participation and inclusion in the community.

Article 438. Sexual and reproductive rights. 1. Persons with disabilities have the right to freely and responsibly decide the number and manner of their offspring, and the time between births. It is the family's responsibility to cooperate, provide guidance, and provide appropriate information regarding the exercise of this right.

2. Likewise, they have the right to access information on topics of sexual education and family planning appropriate for their age if they are girls, boys, or adolescents, and to be offered the necessary means to enable them to exercise this right.

Article 439. Other rights. In addition to the rights recognized in this Chapter, persons with disabilities also have the rights recognized to older adults in Articles 421 to 428 of this Code.

Article 440. Comprehensive development. The families of persons with disabilities encourage and enhance their comprehensive development as human beings and their training, economic independence, and social inclusion; their members participate in this process and are adequately informed to this end.

Article 441. Duties of families toward hospitalized persons with disabilities. The families of persons with disabilities hospitalized in specialized centers have the duty to maintain regular communication with them and provide them with loving care throughout their stay.

Article 442. Duties of the State and social institutions in the education and promotion of the rights of persons with disabilities. The State and the agencies, institutions, and organizations of society must promote a culture of priority attention to persons with disabilities in public, cultural, and social services; as well as foster programs aimed at their families and community members, aimed at instilling favorable attitudes toward family institutions, sexuality, motherhood or fatherhood, appropriate family planning methods, and work.

TITLE X
ON MEDIATION AND FAMILY ADVOCATION
CHAPTER I
FAMILY MEDIATION

Article 443. Scope. Mediation may be used as an alternative method for the management and harmonious resolution of family conflicts. It is carried out through an extrajudicial procedure, in which qualified professionals, without decision-making authority, facilitate communication and help people negotiate collaboratively and reach agreements.

Article 444. Mediable Matters. 1. Mediable matters are all those conflicts in which the parties' claims do not affect the public interest or promote discrimination or violence in any of its manifestations, and in which there are no imbalances between them that affect communication, voluntariness, and effective compliance with agreements.

2. Claims related to filiation, those relating to the suspension and deprivation of parental responsibility, the waiver of the right to claim support, and others that cannot be the subject of an agreement because they are beyond the discretionary reach of the parties in conflict in accordance with the law are excluded from the possibility of agreement through mediation or conciliation.

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Article 445. Guiding Principles. For the harmonious resolution of family conflicts, the general principles established for mediation are respected, especially those of balance of power, responsible voluntariness, multipartiality, and confidentiality.

Article 446. Withdrawal from mediation. Withdrawal from mediation shall not harms those who have participated in said procedure.

Article 447. Notarial instrumentation and judicial approval of mediation agreements. 1. The parties in conflict may resort to mediation and, once the procedure is concluded, may formalize the agreement reached through a notarial public deed or have it approved through the voluntary jurisdiction procedure regulated in the Code of Procedure.

2. Agreements reached in mediation cannot be formalized through a notary or judicially approved when their grounds affect public order criteria or violate the best interests of children and adolescents or the protection of persons in vulnerable situations.

3. Mediation may also arise from a judicial or executive process, in accordance with the provisions of the Code of Procedure.

Article 448. Participation of specialized professionals. The participation of children, adolescents, or any other vulnerable person in mediation proceedings requires the assistance of specialized professionals in the sessions they attend.

Article 449. Intervention of third parties. The agreement of all those involved in the mediation process is required for the participation of third parties, including the support of those who require it.

Article 450. Application of mediation rules to family conciliation. The provisions of this Code regarding family mediation apply, where relevant, to family conciliation as an alternative method of conflict management and resolution.

CHAPTER II

FROM THE FAMILY DEFENSE

Article 451. Scope. 1. The family defense office is the institution responsible for protecting, guaranteeing, and restoring the rights of children, adolescents, persons with disabilities, older adults, victims of discrimination or violence in any of its forms, as well as any other person in a vulnerable situation within their family environment.

2. For the purposes of this Code, a person is considered to be in a situation of vulnerability in their social and family environment when this situation limits or hinders their ability to act in the face of a natural, economic, social, or other threat and, as a result, they experience a situation of risk or deterioration that affects their quality of life and well-being, potentially leading to social exclusion.

3. The aforementioned persons may be represented in matters arising from the application of this Code by family advocates freely chosen by them, or appointed, where appropriate, at the request of the person themselves, the defense office, or at the request of the prosecutor's office.

4. The provisions of the previous section also apply to mediable matters.

Article 452. Conflicting Interests. The persons referred to in the previous article may be represented by family advocates whenever there is conflicting interest in the following cases:

a) If they have the same or several legal representatives;

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b) if their legal representatives are prevented from exercising their function or are the causes before the violation of rights; or

c) when they lack a representative.

TITLE XI

RULES OF PRIVATE INTERNATIONAL FAMILY LAW

CHAPTER I

APPLICATION RULES

Article 453. Determination of domicile and habitual residence. 1. For the purposes of this Code, domicile is understood to be the place of residence of a person with the intention of remaining, and its determination takes into account personal, family, or professional circumstances that demonstrate lasting ties to that place.

2. Habitual residence is understood to be the place where a person is physically established as a principal, even if the person is not registered and lacks a residence permit.

Article 454. Interpretation. Foreign law on family matters shall apply according to its criteria for interpretation and application over time.

Article 455. Adaptation. 1. The various laws that may be competent to regulate different aspects of the same legal relationship shall be applied harmoniously to the purpose pursued by each of the laws.

2. Any potential difficulties arising from their simultaneous application shall be resolved taking into account the equity criteria in the specific case, in accordance with the principles and regulations of this Code.

Article 456. Exclusion of referral. When foreign law is applicable to the resolution of family matters, it is understood that it is the substantive or material law of that State, excluding any conflict of laws rules that may apply to another law, except if the referral is to Cuban law.

Article 457. Public Order. 1. Foreign law shall not apply if its effects are manifestly incompatible with public order, as assessed by taking into account the connection of the legal situation with the provisions of this Code and the seriousness of the effect produced by its application.

2. Once the incompatibility is admitted, the law indicated by the other connection criteria provided for by the same conflict rule shall apply and, if this is not possible, Cuban law shall apply.

3. For these purposes, public order is understood as the set of principles and norms that inspire and support the Cuban legal and social regime, and the culture of society to preserve its assets, values, and general interests, consistent with the protection of the rights of girls, boys, adolescents, and people in vulnerable situations.

4. The rules of public order are of unconditional compliance and cannot be repealed by the will of the parties.

CHAPTER II

REGULATORY RULES

FIRST SECTION

About marriage

Article 458. Capacity to enter into marriage, form, existence, and validity. 1. The capacity of persons to enter into marriage is governed by the law of their domicile.

2. The form of the act, its existence and validity are governed by the law of the place of formalization.

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3. The law of the place of formalization governs the proof of the existence of the marriage.

4. For the recognition of a marriage celebrated abroad, the absence of any of the prohibitions provided for in articles 205 and 206 of this Code shall be taken into account.

Article 459. Law applicable to personal relationships between spouses. 1. The rela-
Personal relations between spouses are governed by the law of the marital domicile.

2. In the absence of this, they are governed by the last marital domicile, by the law of common citizenship at the time of its formalization, or by the law of the place where the marriage was formalized.

Article 460. Law applicable to property relations between spouses. 1. Property relations between spouses shall be governed by the laws agreed upon by the spouses prior to the formalization of the marriage, except where, being of a strictly real nature, it is prohibited by the law of the place where the property is located.

2. The agreed laws may be: a) That
of the domicile of any of the contracting parties at the time of formalization-
tion of the
agreement; b) the domicile of the spouses after the formalization of the marriage; and
c) the citizenship of either of the contracting parties at the time of formalization of the agreement.

3. The choice of any of these laws is made in the marriage agreement, in accordance with the chosen matrimonial economic regime.

4. In the absence of such a choice, the property relations between the spouses are governed by the law applicable to personal relationships.

Article 461. Amendment to the law applicable to property relations between spouses. 1. During marriage, spouses may agree in writing to subject their marital property regime to another of the aforementioned laws.

2. The exercise of this power must not affect the rights of third parties.

3. The law governing property relations between spouses in accordance with the preceding paragraphs of this article, whether chosen or not, is applicable until the spouses validly determine a new law, regardless of possible changes in the citizenship or domicile of either of them.

Article 462. Law applicable to marital status. The marital status of persons is governed by the law of the State of which they are citizens or, failing that, by the law of the domicile.

SECOND SECTION

Of the affective de facto union

Article 463. Law applicable to de facto affective unions. 1. The law of the place where de facto affective unions are established and registered, or where they are recognized by the competent authorities, governs the conditions of their establishment, registration, or recognition, the effects on property, and the conditions of their dissolution.

2. The de facto affective couple may agree in writing during the validity of the union to submit their economic regime to the law of the domicile or citizenship of either of them, or to the law of the State where the de facto affective union has been registered.

3. This choice may be made before or at the time of registration and provided that it does not prejudice the rights of third parties.

4. Any effect of the de facto affective union that does not have a specific solution attributed to it by this Code, is subject to the law of the place where it is intended to be asserted.

SECTION THIRD

Of the causes of dissolution and extinction of marriage

Article 464. Law applicable to the dissolution and termination of marriage. 1. The spouses may agree by public document, before or during the marriage, on the law applicable to its dissolution and termination, provided that it is one of the following laws:

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a) That of the State in which they have their common domicile at the time of formalization of the pact;

b) that of the State of the last place of the marital domicile, provided that one of them is still reside there at the time of the formalization of the agreement;

c) the common citizenship of the spouses at the time of formalization of the pact; the

d) that of the country of the court hearing the case.

2. Once the divorce application or lawsuit has been filed with the competent Cuban authorities, as the case may be, the spouses may decide that the divorce will be governed by Cuban law.

Article 465. Supplementary Application. 1. In the absence of a choice of law applicable to the dissolution and termination of marriage, the law of the spouses' common domicile or that of their last common domicile shall apply, provided one of them still resides there, or, as a last resort, Cuban law.

2. The provisions of this Section apply to other causes of termination of marriage, as appropriate.

SECTION FOUR

On the right to receive food

Article 466. Law applicable to the right to receive alimony. 1. The right to receive alimony is governed by the law of the domicile of the person receiving alimony, unless the law of the domicile of the person providing alimony provides greater guarantees to the person receiving alimony.

2. In the event of a change of address, the law of the new habitual residence applies. from the moment it takes place.

3. Cuban law applies if the creditor cannot obtain support from the debtor in accordance with the designated law.

4. The right to maintenance between spouses or de facto partners is governed by the law of the last marital domicile, of the last effective cohabitation, or of the country whose law applies to the dissolution or annulment of the bond.

5. The maintenance contract shall be governed, at the discretion of the parties, by the law of the domicile of either party at the time of its execution; failing that, by the law of the place where it was formalized.

SECTION FIVE

Of filiation

Article 467. Law applicable to filiation. 1. Filiation is governed by the law of the domicilia of the daughter or son at the time of birth.

2. However, the law of the habitual residence of the daughter or son at the time of the birth shall apply. ment of the filing of the claim of filiation, if it is more favorable.

Article 468. Law applicable to assisted filiation. For the purposes of recognizing assisted filiation and registering it, the competent authority, if its intervention is required, must prioritize the best interests of the child or adolescent born through the use of assisted reproduction techniques.

Article 469. Law applicable to adoption. The requirements and legal effects of the Adoption is governed by the law of the adoptee's domicile at the time of approval.

Article 470. Recognition of adoptions made abroad. 1. An adoption made abroad is recognized in the Republic of Cuba when it has been authorized by the competent authority of the country of domicile of the adopted person in accordance with the provisions of the Constitution. to their standards.

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2. Adoption authorized in the country of domicile of the adopter is also recognized.
when it is capable of being recognized in the country of domicile of the adopted person.

3. The annulment or revocation of an adoption made abroad is governed by the law of its approval or by the law of the domicile of the adopted person.

Article 471. Conversion of simple adoption. 1. A simple adoption authorized abroad, in accordance with the law of the adopted person's domicile, may be transformed into a full adoption provided that: a) It meets the requirements

established by Cuban law;

b) the adopter and the adopted person give their consent; c)

the opinion of the adopted minor is heard in accordance with his or her capacity and progressive autonomy; and

d) the intervention of the prosecutor's office is counted on.

2. In all cases, the court must assess the appropriateness of maintaining the legal link with the family of origin.

SECTION SIX

Parental responsibility, the protection of minors and support, safeguards and reasonable adjustments

Article 472. Law applicable to parental responsibility and protection of minors. Parental responsibility or any other analogous institution is governed by the law of the domicile of the daughter or son.

Article 473. Law applicable to guardianship and support, safeguards, and reasonable adjustments. 1. The determination and exercise of guardianship of minors and of support, safeguards, and reasonable adjustments for the exercise of legal capacity by persons with disabilities shall be governed by the law of the domicile of the ward or the person required by them.

2. Other entities of a similar nature, regularly established under foreign law, are recognized and have effect in the country, provided they are compatible with the rights enshrined in this Code and the requirements established for the recognition of acts and decisions.

3. In applying the measures referred to in the previous sections of this article, the best interests of the child or adolescent and the wishes, desires, and preferences of persons with disabilities are taken into account.

SECTION SEVEN

On the international restitution of girls, boys and adolescents

Article 474. International cooperation regime. In matters of displacement, detention, or abduction of minors that give rise to requests for international location and restitution, the competent Cuban courts or authorities shall endeavor to ensure the best interests of the child or adolescent, after analyzing the specifics of each case and in accordance with the provisions of the Constitution of the Republic of Cuba and the international treaties in force in the country that relate to the matter.

TRANSITIONAL PROVISIONS

FIRST: The legal relationships established and the rights acquired under it
of the Family Code, Law No. 1289, of February 14, 1975, remain valid.

SECOND: Matters filed in any of the courts, relating to the judicial recognition of the non-formalized marital union referred to in the Family Code, Law No. 1289, of February 14, 1975, which are being processed at the

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Upon entry into force of this Family Code, they will continue to be processed in accordance with the provisions contained in the previous Code; the remaining pending matters will be processed in accordance with the rules contained in this Code.

THIRD: The People's Supreme Court issues the necessary instructions so that within a period of two (2) years, counted from the entry into force of this Code, it reviews all the files of declaration of incapacity, as well as the guardianships of persons of legal age constituted under the Family Code, Law No. 1289, of February 14, 1975, in order to adopt the provisions relative to the provision of support and safeguards with respect to said persons, according to the reform contained in this norm and the provisions of the First Final Provision of the Code of Procedures.

FOURTH: Persons who formalized marriage under the Family Code of February 14, 1975 and whose economic regime is that of marital community of property, may enter into marriage agreements to modify the current one and establish any other of the economic regimes in the manner established by this Code.

FIFTH: Family relationships and legal acts regulated for the first time in this Code are governed by its provisions, even if the causes that gave rise to them occurred during the validity of the previous Family Code.

FINAL PROVISIONS

FIRST: Articles 29 to 32, both inclusive, of Section Two “Exercise of civil legal capacity”, of Chapter I “Natural persons”, of Title II “Subjects of the legal relationship”, of Book I “Legal relationship”, of Law No. 59, of July 16, 1987, “Civil Code”, are hereby amended and read as follows:

SECOND SECTION

Exercise of civil legal capacity

“ARTICLE 29.1. Every natural person has the legal capacity to enjoy and exercise their rights, except for the exceptions established by law.

2. Persons with disabilities have the capacity to exercise equal rights in all aspects of life.

3. Full capacity to exercise rights and perform legal acts is acquired upon reaching the age of majority, at the age of 18.

4. Minors exercise their rights and perform legal acts through their legal representatives. However, minors of sufficient age and maturity may perform the acts permitted by law, including those relating to the exercise of rights inherent to personality. Likewise, if they are disabled, they may appoint the support provided for in this Code for the completion of such acts and the exercise of said rights.

5. Minors have the right to be heard in any process or matter that concerns them, as well as to participate in decisions concerning them in accordance with their progressive autonomy.

6. Any minor, over 12 years of age, may validly grant a will or any act of self-protection.

7. The law, however, may establish other ages for performing certain acts.

ARTICLE 30.1. Any person with a disability who requires reasonable adjustments or support to exercise their legal capacity may request or designate them according to their free choice.

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2. Reasonable adjustments are necessary and appropriate modifications and adaptations that do not impose a disproportionate or undue burden, when required in a particular case, to guarantee that persons with disabilities can enjoy or exercise their rights on an equal basis with others.

3. Support is understood to be those forms of assistance freely chosen by a person to facilitate the exercise of their rights, including communication, understanding of legal acts and their consequences, and the expression and interpretation of the will of the person requesting it. Support does not entail powers of representation, except in exceptional cases where it is expressly established by the person in need's own decision or ordered by the competent court.

4. To interpret the will of the person being assisted, in cases where necessary, the criterion of the best interpretation of the will, the person's life history, previous expressions of will in similar contexts, the information available to the trusted persons of the person to be supported, their wishes, preferences and any other consideration relevant to the specific case are taken into account.

5. The person who designates their own support personnel by means of a notarial public deed determines their form, identity, scope, duration, guidelines, and number of supports. They may also specify which persons should not be designated as such, as well as the time or circumstances under which the designation of support personnel takes legal effect.

6. The person who has support is responsible for his or her decisions, even those of others. those carried out with such support.

7. Safeguards are measures to ensure respect for the rights, will, wishes, and preferences of the person receiving support, prevent abuse and undue influence by the provider of such support, and prevent the rights of those assisted from being affected or jeopardized.

8. The person requesting support, in the notarial public deed in which they designate them, or the competent court, establishes the safeguards they deem appropriate for the specific case, for which they indicate at least the deadlines for the review of the supports.

ARTICLE 31.1. In the absence of a notarized designation, the court is responsible for appointing support personnel. This measure is justified after making the necessary efforts to obtain a statement of the person's wishes and after providing them with accessibility measures and reasonable accommodations, and when the appointment of support personnel is necessary for the exercise and protection of their rights.

2. To this end, the competent court will take into account the relationship of cohabitation, trust, friendship, care, or kinship that exists between the person with a disability and the support provider. It will also establish the timeframe, scope, and responsibilities. In all cases, it must take the relevant steps to obtain the best possible interpretation of the person's will, wishes, and preferences, and take into account their life trajectory. Persons convicted of gender-based or domestic violence in any of its forms cannot be designated as support providers.

3. The judgment issued by the competent court determines and specifies, according to the specific circumstances of each case, the acts to be limited, ensuring that the impact on personal autonomy is as minimal as possible. It also designates one or more support persons and sets forth the conditions for the validity of the acts in which such support is involved. Exceptionally, legal representation of the person with a disability may be provided for intensive support.

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4. The judgment is registered in the Civil Registry where the entry of the judgment is kept. birth registration of the person with a disability.

ARTICLE 32.1. The representation of minors is determined in the manner regulated by the Family Code.

2. The provision of support, safeguards and reasonable adjustments is regulated, in addition to the rules contained in this Code, by those established in the Code of Procedure and in notarial regulations."

SECOND: Article 33 of the Third Section "Absence and presumption of death", of Chapter I "Natural persons", of Title II "Subjects of the legal relationship", of Book I "Legal relationship", of Law No. 59, of July 16, 1987, "Civil Code", is modified, which is worded as follows:

"ARTICLE 33. (…)

2. The person declared absent shall be represented by his or her spouse or common-law partner and, in their absence, by an adult child, parent, grandparent, sibling, child, or parent by marriage, and if there are several relatives of the same degree and there is no agreement among them, by a representative appointed by the court among them. Exceptionally, and when there are reasons to do so, the court may appoint persons other than those listed above.

THIRD: Article 50 of Section Two "Form and interpretation", of Chapter III "Legal act", of Title IV "Causes of the legal relationship", of Book I "Legal relationship", of Law No. 59, of July 16, 1987, "Civil Code", is modified, which is worded as follows:

"ARTICLE 50.1. Express legal acts may be performed orally, in writing, or through any direct means, whether manual, mechanical, digital, through sign language, or any alternative means of communication, including the use of reasonable adjustments or support required by the person.

2. Tacit legal acts are those in which the will is inferred undoubtedly, or conclusively, from an attitude or repeated conduct of the person."

FOURTH: Article 55.3 of Section Three "Condition, Term and Mode", of Chapter III "Legal Act", of Title IV "Causes of the Legal Relationship", of Book I "Legal Relationship", of Law No. 59, of July 16, 1987, "Civil Code", is amended, which is worded as follows: "ARTICLE 55.3. Failure by the beneficiary to comply with the

mode makes him liable for any damages caused for this reason, except as provided in sections 3 and 4 of Article 376 of this Code regarding donations."

FIFTH: Articles 67 b) and 68.2 of Section Five "Ineffectiveness of legal acts", of Chapter III "Legal act", of Title IV "Causes of the legal relationship", of Book I "Legal relationship", of Law No. 59, of July 16, 1987, "Civil Code", are amended and are worded as follows: "ARTICLE 67. Legal acts performed are void:

(…)

b) by persons who lack discernment;

ARTICLE 68. (…)

2. People cannot exercise the action of nullity alleging lack of discernment of those with whom they performed a legal act."

SIXTH: Articles 90, 91 and 92 of Section Three "Liability of Natural Persons", of Chapter IV "Unlawful Acts", of Title IV "Causes of the Legal Relationship", of Book I "Legal Relationship", of Law No. 59, of July 16, 1987, "Civil Code", are amended, which are worded as follows:

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"ARTICLE 90.1. Parents or guardians are liable for damages caused by minors. In the case of persons with disabilities who have been appointed a support person with powers of representation, they shall also be liable for damages caused by them.

2. However, the responsibility referred to in the previous section corresponds to the persons entrusted with the care of minors or persons with disabilities because their parents or designated support personnel are away from home, on international missions, or for other tasks or duties.

ARTICLE 91. Persons who work in care facilities or establishments for minors with behavioral disorders, outside the national education system, are liable for any damages and losses caused by them.

ARTICLE 92. The liability referred to in the two previous articles does not arise if those who have the care of said persons prove that the damage or harm occurred despite them having acted with due diligence."

SEVENTH: Article 123 of Chapter IV "Suspension of the statute of limitations", of Title VIII "Statute of limitations on actions", of Book I "Legal relationship", of Law No. 59, of July 16, 1987, "Civil Code", is amended, which is worded as follows: "ARTICLE 123.1. The

statute of limitations is suspended:

c) during the marriage, in relation to the rights of one of the spouses with respect to the other, if it is a de facto affective union, as provided for in the Family Code, while said union subsists, in relation to the rights of one of the members with respect to the other;"

EIGHTH: Article 133 of Chapter I "General Provisions", of Title II "Property Rights", of Book II "Property Rights and Other Rights on Assets", of Law No. 59 of July 16, 1987, "Civil Code", is amended, which is worded as follows: "ARTICLE 133. (…)

2. Anyone whose personal integrity or property is affected by the performance of the duty referred to in the previous section has the right to compensation, and the same right is held by their spouse, common-law partner, relatives or persons under their care, in the event of their death."

NINTH: A new Chapter, Chapter V "Housing", is included, with an article, 230 bis, while Chapter V "Common Provision" is moved to Chapter VI, both of Title III "Other rights over property", of Book II "Property and other rights over property", of Law No. 59, of July 16, 1987, "Civil Code", article which is worded as follows:

"CHAPTER V"

ROOM

ARTICLE 230 bis.1. The right of habitation is that by which a person natural person may reside free of charge in another person's property or part of it.

2. The legal regime of the right of habitation is that determined in its constitutive title.

3. It is always constituted temporarily and can never exceed the life of the inhabitant.

4. The tenant may not assign, transfer, lease or encumber the right of habitation by acts between living persons or by cause of death, nor may this right be enforced by his creditors.

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5. The occupant has the obligation to preserve the property and not to change its nature or usual form, and the owner has the obligation to maintain the occupant in the peaceful exercise of his right."

TENTH: Article 254 of the Third Section "Creditor's Default", of Chapter I "Compliance with Obligations", of Title I "Obligations in General", of Book III "Law of Obligations and Contracts", of Law No. 59, of July 16, 1987, "Civil Code", is amended, which is worded as follows: "ARTICLE 254. (…)

2. The consignment is also appropriate if:

a) The creditor is absent or deprived of discernment at the time when the payment is due.
make the payment;"

ELEVENTH: Article 376 of Title VI "Donation", of Book III "Law of obligations and contracts", of Law No. 59, of July 16, 1987, "Civil Code", is amended, which is worded as follows: "ARTICLE 376.1. The donation may be made under condition.

2. The parties to the contract may agree to reserve the right of usufruct in favor of the donor and not to dispose of or transfer the donated property for a period not exceeding five years. In the case of real estate, this agreement is enforceable against third parties upon registration.

3. A donation already consummated may be revoked by the donor for failure to comply with the imposed procedure, for ingratitude on the part of the donee, or because the donor has children.

4. Revocation due to non-compliance with the procedure imposed by the donor shall not prejudice third parties for whose benefit it was established. If the donee has transferred the assets encumbered with a procedure to third parties, they must return them to the donor upon revocation of the donation if they have acted in bad faith, unless they execute the procedure imposed on the donee, if the services in which it consists are not of a highly personal nature. A donee who alienates the donated assets, or makes their return impossible for reasons attributable to him, must compensate the donor with the value of the donated items at the time the revocation is requested.

5. The donation may be revoked due to the ingratitude of the donee when he has incurred in any of the circumstances provided for in Article 469.1 of this Code.

6. The revocation of the donation is documented by a notarial public deed and is effective before the donee from its authentic notification."

TWELFTH: Section c) of Article 409 is modified and two sections are added, corresponding to Chapter IV "Extinction", of Title XI "Mandate", of Book III "Law of obligations and contracts", of Law No. 59, of July 16, 1987, "Civil Code", which is worded as follows: "ARTICLE 409.1. In addition to the general causes of extinction of obligations,

the mandate is extinguished
by: (…)

c) provision of intensive support with powers of representation to the person in a situation of disability, absence, incapacity or death of the principal or agent;

(…)

2. If the principal grants power only in the event that he or she requires support in the exercise of legal capacity in the future, the cause for termination provided for in section c) regarding the appointment of intensive support with powers of representation, of this article, does not apply.

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3. The principal may also include in the power of attorney a clause stipulating its subsistence. power, if in the future he needs support in the exercise of his legal capacity.”

THIRTEENTH: Article 466 of Chapter I is amended, the name of which is replaced by “Content of the succession, capacity and titles to succeed”, of Title I “General Provisions”, of Book IV “Succession Law”, of Law No. 59, of July 16, 1987, “Civil Code”, which is worded as follows:

CHAPTER I

“CONTENT OF THE SUCCESSION, CAPACITY AND TITLES TO SUCCEED

ARTICLE 466.1. The right of succession includes the set of rules that regulate the transfer of the estate and other legal situations of the deceased after his death.

2. The following have the capacity to succeed the deceased: a) Natural persons existing at the time of his death or those conceived who are born alive, according to Article 25 of this Code;

b) Those conceived after death through assisted human reproduction techniques in the cases referred to in Article 126 of the Family Code; and

c) Legal entities existing at the time of his death and those created by his will.”

FOURTEENTH: Article 469 of Chapter II "Incapacity to inherit", whose name is replaced by "Incapacity to succeed", of Title I "General Provisions", of Book IV "Succession Law", of Law No. 59, of July 16, 1987, "Civil Code", is modified, which is worded as follows:

CHAPTER II

INABILITIES TO HAPPEN

“ARTICLE 469.1. The following are incapable of being heirs or legatees:

a) Those who commit alleged intentional criminal acts against the life and physical integrity, honor, sexual indemnity, liberty or property rights of the deceased, his or her descendants, ascendants, spouse or common-law partner, siblings, nephews and aunts and uncles, as well as related sons and daughters, related fathers and mothers and other socio-affective relatives within the third degree of kinship; b) Those who have used deceit, fraud or violence to force the deceased to grant a testamentary disposition, or to change or annul the one granted;

c) those who have denied food or care to the successor;

d) those who have caused the state of physical or emotional abandonment of the deceased of the succession, if he or she is an elderly person or has a disability;

e) the father or mother of the deceased who has been deprived of parental responsibility; f) those who have incurred in a situation of domestic violence or gender violence, in any of its forms, against the deceased of the succession; and

g) children who, without just cause, have prevented the deceased of the succession, in his capacity as a grandparent, from exercising the right to communicate and interact with his grandchildren.

2. In all the cases stated, it is sufficient to prove that the person who has incurred in such circumstances is responsible for the harmful act, without the need for a criminal conviction.

3. The incapacity ceases by the express or tacit pardon of the deceased.”

FIFTEENTH: Article 476 of the First Section "Testament", of Chapter I "General Provisions", of Title II "Testamentary Succession", of Book IV "Succession Law", of Law No. 59, of July 16, 1987, "Civil Code", is modified, which is worded as follows:

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“ARTICLE 476.1. By will, a person disposes of all or part of his or her assets after his or her death, subject to the limitations established by this Code and other legal provisions.

2. The will may also contain non-property provisions, relating to situations based on the existence and centrality of the person.”

SIXTEENTH: A new article, 479 bis, and two sections are added to Article 481 of the First Section "Testament", of Chapter I "General Provisions", of Title II "Testamentary Succession", of Book IV "Succession Law", of Law No. 59, of July 16, 1987, "Civil Code", which are worded as follows:

“ARTICLE 479 bis

1. The appointment of an heir, legacies and other provisions ordered in favor of the deceased's spouse become ineffective if, after they have been granted, a breakdown occurs in the couple's emotional life plan, or they divorce, or the marriage is declared null and void, as well as if at the time of death there is a pending divorce or matrimonial annulment lawsuit.

2. The provisions in favor of one of the members of the registered de facto affective union become ineffective if, after having been granted, a breakdown occurs in the couple's emotional life plan, unless they resume their cohabitation, or the union is extinguished for a reason other than the death of one of the members of the couple or the marriage between them.

3. Provisions in favor of the spouse or one of the members of the de facto affective union remain effective if, from the context of the will, it appears that the testator would have ordered them even in the cases regulated by sections 1 and 2.”

“ARTICLE 481.1. The appointment of an heir cannot be subject to any condition or term.

2. However, the condition of caring for and assisting the testator or his ancestors is admitted, descendants, spouse or de facto partner who so require.

3. It is up to the designated executor, or failing that, to whoever has a legitimate interest in doing so, to assess the fulfillment or non-fulfillment of the imposed condition.”

SEVENTEENTH: Article 484 of Section Two “Form of wills”, of Chapter I “General provisions”, of Title II “Testamentary succession”, of Book IV “Succession law”, of Law No. 59, of July 16, 1987, “Civil Code”, is hereby amended as follows: “ARTICLE 484.

(…)

2. The testator expresses his or her will verbally or in writing. In the case of a person with a disability, if this is required for the expression of his or her will, he or she does so through support or with reasonable accommodations, as appropriate. The notary draws up the will in accordance with the testator's statements or writings.

3. The notary ensures that the testator has the discernment to grant a will.
ment, and records it. In case of doubt, you may request an expert opinion.”

EIGHTEENTH: Article 493.1 is modified in sections a) and b) and a section 3 is added, as well as the content of Article 495 is modified, from which section 2 is deleted, while three other sections are added, all included in Chapter II "Specially protected heirs", of Title II "Testamentary succession", of Book IV "Succession law", of Law No. 59, of July 16, 1987, "Civil Code", which are worded as follows:

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"ARTICLE 493.1. They are specially protected heirs, provided that they are not fit to work and economically dependent on the deceased, the following: a)
Descendants;
b) the spouse or the surviving member of the registered de facto partnership; and
c) ascendants.
2. If two or more specially protected heirs share the inheritance, they inherit in equal shares.
3. The share deferred in favor of a specially protected heir and not awarded upon his death shall not be transferred to his respective successors."

"ARTICLE 495.1. The preterition of specially protected heirs who prove, at the time of deferring the succession, that they have fulfilled the requirements established in Article 493 of this Code, reduces the testamentary provisions of patrimonial content made by the testator by way of inheritance or legacy, in that order, to half of the hereditary estate which he may freely dispose of.
2. If the pretermitted person is one or more of all the specially protected heirs of the testator, he may demand his share from the assets and rights attributed by the latter, by any title, to the rest of the heirs who have such status.
3. Specially protected heirs who have been pretermitted have the right to demand, through judicial or extrajudicial means, recognition of their status and to be attributed half of the hereditary estate through the corresponding judicial or notarial succession title.
4. If the specially protected pretermitted heir dies after the testator, his heirs cannot exercise any action to have such status recognized in the deceased."

NINETEENTH: A section is added to Article 498 of Chapter III "Legatees", of Title II "Testamentary Succession", of Book IV "Succession Law", of Law No. 59, of July 16, 1987, "Civil Code", which is worded as follows:

"ARTICLE 498.1. Legacies cannot be subject to conditions or terms and They are acquired from the death of the testator.
2. However, the provisions of Article 481.2 and 3 of this Code also apply to legacies."

TWENTIETH: Articles 510 and 511 of Chapter I "General Provisions", Title III "Intestate Succession", Book IV "Succession Law", of Law No. 59, of July 16, 1987, "Civil Code", are amended and are worded as follows:

TITLE III
INTESTATE SUCCESSION
CHAPTER I
GENERAL PROVISIONS

"ARTICLE 510. The heirs called by law are children and other descendants, mothers and fathers, the spouse, the surviving member of the de facto affective couple, other ascendants, brothers and nephews, and uncles.

ARTICLE 511.1. The closest relative in degree, within the same order, is called in preference to the most remote, except for the right of representation and the provisions regarding the right of the spouse, as well as ascendants who are unfit to work and who were financially dependent on the deceased.
2. If any of the heirs has acted as a family caregiver for the deceased and has assumed all the necessary financial expenses, their share of the inheritance is double that of the rest of the concurrent heirs.

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3. If the person who has assumed family care belongs to a later call, he or she has the right to participate in the succession with the closest heirs and also receive double the share of the rest of the concurrent heirs."

TWENTY-FIRST: Articles 514 of Section One, "Succession of Children and Other Descendants"; 515 and 516 of Section Two, which will be called "Succession of Mothers and Fathers"; 517, 518, and 519 of Section Three, which will also be called "Succession of the Spouse and the Surviving Member of a Common-Law Partnership"; 520 of Section Four, "Succession of Grandparents or Other Ascendants"; all of Chapter III, "Order of Succession," Title III, "Intestate Succession," Book IV, "Succession Law," of Law No. 59, of July 16, 1987, "Civil Code," are hereby amended, which are worded as follows: CHAPTER III

ORDER OF SUCCESS

FIRST SECTION

Succession of children and other descendants

"ARTICLE 514. (…)

2. The deceased's children inherit by their own right. The inheritance is divided equally among them, without prejudice to the rights of the surviving spouse or common-law partner, mothers, fathers, and other ascendants who are unable to work and who were financially dependent on the deceased.

3. Grandchildren and other descendants inherit by right of representation.

4. If children concur with descendants of other children who cannot or do not want to succeed the deceased, the former inherit by their own right and the latter by rights of representation.

5. If grandchildren alone or other descendants of the same degree are present in the succession, they will also "On their own, they inherit by right."

SECOND SECTION

"Succession of mothers and fathers

ARTICLE 515.1. Succession corresponds secondly to mothers and fathers.

2. Mothers and fathers, if they survive, inherit in equal shares, without prejudice to the rights of the surviving spouse or partner.

ARTICLE 516. Grandparents or other ancestors who are not fit to work and who were economically dependent on the deceased, shall be entitled to the same share as the deceased's mothers and fathers, and the surviving spouse or common-law partner.

SECTION THIRD

"Succession of the spouse and the surviving member of the de facto affective couple

ARTICLE 517. If the surviving spouse or member of the de facto emotional couple shares the inheritance with the descendants or the mothers and fathers of the deceased, he or she shall be entitled to a portion equal to that of the heirs with whom he or she shares.

ARTICLE 518.1. If the deceased has no descendants, mothers, or fathers, the entire inheritance belongs to the spouse or the surviving member of the de facto partner, unless there are grandparents or other ancestors who are unfit to work and who depend economically on the deceased, who in such circumstances inherit a portion equal to that of the deceased.

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2. The dissolution of a couple's emotional life plan, whether married or in a registered de facto relationship, extinguishes the right of succession between its members, even if a divorce has not been filed or the de facto relationship has not been legally dissolved. Proof of this is the responsibility of the interested heirs.

3. The putative spouse in good faith, whose marriage has not been annulled, or the surviving member of the bona fide affective de facto couple of a putative union do not have the right to participate in the inheritance of the deceased, if he or she dies while married.

4. If the deceased is the member of a couple, whether married or in a registered de facto partnership, who acted in bad faith, the other partner, if acting in good faith, is awarded all the assets they jointly acquired. If both have acted in bad faith, the rules of joint ownership by shares apply, as appropriate.

ARTICLE 519. If the marriage is extinguished by the death or by the judicial declaration of presumption of death of one of the spouses during the substantiation of the divorce process, in any instance, the inheritance right of the surviving spouse is extinguished."

SECTION FOUR

Succession of grandparents or other ancestors

"ARTICLE 520.1. In the absence of the heirs included in the preceding sections, the grandparents or other ancestors, both maternal and paternal, succeed in equal parts.

2. Grandparents or other ancestors who are not fit to work and who were financially dependent on the deceased, shall share the inheritance with the deceased's descendants, their parents and their surviving spouse or common-law partner, and shall inherit a portion equal to that of the former.

TWENTY-SECOND: A new section is included, the Sixth, "Succession of uncles", with an article, 521 bis, contained in Chapter III "Order of succession", of Title III "Intestate succession", of Book IV "Succession law", of Law No. 59, of July 16, 1987, "Civil Code", which is worded as follows:
"SIXTH SECTION

Succession of uncles

ARTICLE 521 bis. In the absence of the heirs included in the sections previously mentioned, "They give in, the uncles inherit in equal parts."

TWENTY-THIRD: Subsection b) of paragraph 1 of Article 29, contained in Section Two "Exercise of Civil Legal Capacity", of Chapter I "Natural Persons", of Title II "Subjects of the Legal Relationship", and Article 60, contained in Section Four "Representation", of Chapter III "Legal Act", of Title IV "Cause of the Legal Relationship", both located in Book I, "Legal Relationship" are hereby repealed; as well as articles 542 to 544, contained in Chapter IV "Transfer of Household Goods to Cohabitants", of Title IV, "Acquisition of Inheritance", of Book IV "Inheritance Law"; the First and Third Special Provisions are hereby amended, and the Second Special Provision is hereby amended, all of the Civil Code, Law No. 59, of July 16, 1987; and is hereby worded as follows:

"SECOND SPECIAL PROVISION: The civil status of persons is governed by the law of the State of which they are citizens."

TWENTY-FOURTH: Decree-Law 76 of January 20, 1984, "On adoption, children's homes and foster families" and its Regulations, contained in Resolution 48 of February 13, 1984, of the Ministry of Education, are hereby repealed.

TWENTY-FIFTH: Decree-Law 154, of September 6, 1994, "On notarial divorce" and its Regulations, contained in Resolution 182, of November 10, 1994, of the Minister of Justice, are hereby repealed.

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TWENTY-SIXTH: Article 28 of Section Two of Chapter II of the Civil Registry Law, No. 51, of July 15, 1985, is amended to include the partner of a registered de facto affective union, which is worded as follows:

CHAPTER II

FROM THE CIVIL REGISTRY

SECOND SECTION

From the Civil Registry

"ARTICLE 28. The registrar of the Civil Registry or his/her substitute may not carry out registrations, issue certificates or intervene in proceedings or acts relating to the civil status of himself/herself or his/her spouse or partner in a registered de facto union, or of his/her relatives or relatives by marriage in a direct or collateral line up to the second degree. In these cases, one or the other shall act, as appropriate, and in the absence of both, the registrar of the Civil Registry closest to the same province. Nor may they intervene as witnesses in the facts or acts related to the civil status of the persons referred to in this Article, which are registrable in their own registry."

TWENTY-SEVENTH: Article 40 of the Second Section "On the registration of births", of Chapter III "On the registrations, books and certifications of the Civil Registry", of Law No. 51, of July 15, 1985, "On the Civil Registry", is amended to add a paragraph, and is worded as follows:

CHAPTER III

REGISTRATIONS, BOOKS AND CERTIFICATIONS OF THE CIVIL REGISTRY

SECOND SECTION

From birth registration

"ARTICLE 40. The Civil Registry Registrar will register the birth lie in accordance with:

a) The declaration of the mother and father together, or of one of them, before the director of the unit of the National Health System where the birth occurs.

The director of the unit may delegate this function to a designated individual. If, due to exceptional circumstances, the mother or father cannot make this declaration, the director will be responsible for filing it with the Civil Registry. The declaration must be made within seventy-two hours of birth and, in any case, before the newborn is discharged.

b) if the delivery does not occur in a unit of the National Health System, it will be done before the Civil Registry.

In this case, it will be up to the mother or the father, or both jointly, to make said declaration and, in their absence, to their legal representatives, an adult relative or whoever has seen or witnessed the birth, finds the minor abandoned or has him or her under their protection or guardianship and care.

The persons referred to in the preceding paragraph shall be obliged to make the declaration of birth within thirty days after birth or the discovery of the abandoned child;

c) documents authorized by the persons referred to in Articles 10, 11, 20 and 67 of this Law;

ch) the declaration of the interested party, if he or she is of legal age;

d) documents containing the registrations made in the extinct neighborhood mayor's offices, at the request of a party;

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e) court judgment; and

f) by declaration of the mother and father contained in a notarial public deed or testament-treatment.

In the cases referred to in paragraphs a), b) and ch) of this article, the declarants will be required to present their official identity document, in order to record the data necessary for registration."

TWENTY-EIGHTH: Section e) of articles 42 of Section Two "On birth registration" and 81 of Section Five "On registration of acquisition, loss or recovery of Cuban citizenship", both of Chapter III "On registrations, books and certifications of the Civil Registry", of Law No. 51, of July 15, 1985, "On the Civil Registry", is hereby amended to eliminate all reference to civil incapacity and to limit guardianship to minors, which are now worded as follows:

CHAPTER III

REGISTRATIONS, BOOKS AND CERTIFICATIONS OF THE CIVIL REGISTRY

SECOND SECTION

From birth registration

"ARTICLE 42. The following information shall be noted in the margin of the birth registration:

a) The execution on filiation;

b) adoption, unless a competent court orders that a new one be issued seat;

c) marriage;

ch) the divorce decree;

d) the execution of the nullity of the marriage act or the entry of its registration, depending on the case;

e) the enforcement of the provision of support and safeguards and the guardianship of minors of age;

f) the loss and recovery of citizenship;

g) the change, addition, modification or deletion of names and surnames;

h) death or presumption of death;

i) the recognition of the registered child by the father or mother;

j) the correction of errors or omissions;

k) widowhood, only at the request of a party;

l) the execution of the nullity of the registration entry;

ll) mutual reference notes to relate registry entries;

m) the permanent identity number of the registered person;

n) other data that allow for the subsequent identification of the parentage, if the child is abandoned; and

ñ) any other that refers to the marital status of the registrant."

SECTION FIVE

Regarding the registration of acquisition, loss or recovery of Cuban citizenship

"ARTICLE 81. Apart from the acquisition, loss or recovery of citizenship Cuban, the following cases will be noted, as appropriate:

a) The loss or recovery of Cuban citizenship;

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b) the correction of errors or omissions;
c) marriage;
ch) the finality of the divorce;
d) the enforcement of the nullity of the marriage act or the entry of its registration;
e) the enforcement of the provision of support and safeguards and the guardianship of minors of age;
f) the change, addition, modification or deletion of names and surnames;
g) death;
h) the enforcement of the nullity of the registration;
i) the presumption of death;
j) widowhood, only at the request of a party;
k) mutual reference notes, to relate registry entries;
l) permanent identification number of the registrant; and
ll) any other that refers to the marital status of the registrant."

TWENTY-NINTH: Articles 45, 47, 48, 51 and 52 of Section Two "On Birth Registration" of Chapter III "On Registrations, Books and Certifications of the Civil Registry" of Law No. 51, of July 16, 1985, "On the Civil Registry" are hereby amended and read as follows:

CHAPTER III

REGISTRATIONS, BOOKS AND CERTIFICATIONS FROM THE CIVIL REGISTRY

SECOND SECTION

From birth registration

"ARTICLE 45. The first surname of the children shall be the father's first name; the second surname shall be the mother's first name, without prejudice to any agreement reached to establish a different order, which shall remain the same for the rest of the daughters and sons. common.

If a marriage or a registered de facto partnership exists, the registration of the child carried out by only one of the parents will have legal effects with respect to both, except in cases where it is challenged in accordance with the provisions of the law."

"ARTICLE 47. The registration of the birth of a child of parents who are not married or who are in a registered de facto partnership shall be made by both parents jointly or by one of them. If both parents are present, the child's surnames shall be recorded in the manner established in Article 45 of this Law."

"ARTICLE 48. In the case of the previous article, when the application for birth registration is made only by the mother and she declares the name of the father, the latter shall be personally summoned to appear before the registrar, being warned that, if within the period of ninety days he does not appear to accept or deny paternity, the child shall be registered as his.

After this period, the registration will be formalized in accordance with the warning and, once the registration has been made, the challenge may only be made through the corresponding judicial process within one year of said registration.

If paternity is denied within the warning period, the registration will be carried out without including the name and surname of the father who contested it. In these cases, the child will be registered with both of the mother's surnames, or with the mother's single surname repeated.

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"ARTICLE 51. If the father who denies paternity subsequently acknowledges it, the consent of the person who registered the child, or of the child's legal representative, shall be required for its entry in the registry. If this consent is not granted, paternity may be claimed in the manner established by law. If it is granted, the surnames shall be recorded as provided in Article 45 of this Law, subject to the consent of the child, if the child is of legal age."

"ARTICLE 52. When one of the parents, not united by marriage or by a registered de facto affective union, makes the declaration for the registration of the birth of their common child and does not provide the name and surname of the other parent, nor does he/she offer the data to proceed with his/her effective location or these are false, or with the data provided it is impossible to cite him/her, the latter may subsequently recognize paternity, without requiring, for its entry in the Registry, the consent of the person who registered the child, or of his/her legal representative, while maintaining, in all cases, the right to exercise at any time the action to claim his/her filiation through judicial means."

THIRTIETH: Repeal section b) and the last paragraph of Article 58; section k) of Article 59; the third paragraph of Article 61; Article 62 in its entirety; the reference to Article 62 made in Article 68; and section a) of Article 71, all from Section Three, "On Marriage Registration," of Chapter III "On Registrations, Books and Certifications of the Civil Registry," of Law No. 51, of July 16, 1985, "On the Civil Registry," which are worded as follows:

CHAPTER III

REGISTRATIONS, BOOKS AND CERTIFICATIONS OF THE CIVIL REGISTRY

SECTION THIRD

From the registration of marriage

"ARTICLE 58. The Civil Registry Registrar will register marriages
child at the time he authorizes the formalization of the act in accordance with:

a) The authorized copy of the notarial document;

b) repealed;

c) documents authorized by the persons referred to in Articles 10, 11, 20, and 67 of this Law;

ch) documents certifying
religious marriages celebrated from January 1, 1885, to August 18, 1918, inclusive, in accordance with the requirements established in the Regulations of this Law.

In the case of paragraph a), within seventy-two hours after the celebration of the marriage, the notary will send an authorized copy, and the file prepared for that purpose, to the municipal office of the Civil Registry of the place where it was formalized."

Repealed."

"ARTICLE 59. The marriage registration shall contain the following information:

a) Place and date on which the entry is issued;

b) names and surnames of the registrar;

c) Registry office where the record is to be issued; ch) Place, day,
month, and year in which the marriage is formalized;

d) name, surnames of the contracting parties and their signatures if formalized before the recorder;

e) Places and dates of birth of both contracting parties and the Registry office of the Civil status in which the registrations are recorded, with the volume and folio number, according to the official permanent identity document;

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f) permanent identity numbers of both contracting parties;
g) citizenship, marital status, occupation and domicile of both spouses;
h) names and surnames of the parents of both spouses;
i) names, surnames, address and permanent identity number of the witnesses, and signature of these if the marriage is formalized before the registrar;
j) Names and surnames of the authorizing official;
k) repealed;
l) signature of the registrar and official seal identifying the Civil Registry office."

"ARTICLE 61. Those who attend to formalize the marriage shall present to the official who must authorize the act a declaration in which the following details shall be stated for each one:

a) First and last names; b)
Place and date of birth and Civil Registry office where registration is recorded, including volume and page number, according to the official identity document; c) Citizenship, marital status, and occupation;
ch)
neighborhood; d) names and surnames of parents.
The official who receives the declaration will warn the contracting parties that, if they fail to tell the truth about what they have declared, they will incur the corresponding criminal liability. This declaration must necessarily be accompanied by a certificate of the marital status of the spouse whose previous marriage has been terminated for any reason.

Repealed.
In all cases, the official who must authorize the marriage will require the spouses and witnesses to show their official identification document, in order to record the information necessary to register or formalize the marriage.

"ARTICLE 62. **Repealed."**

"ARTICLE 68. Authorized officials shall authorize the marriage of a person in imminent danger of death, without the prior presentation of supporting documents or the details indicated in the last three paragraphs of Article 61 and those provided for in Articles 63, 64 and 69 of this Law, but in these cases the marriage shall be deemed conditional, as long as said details are not formally accredited by any of the contracting parties or other interested persons."

"ARTICLE 71. In the formalization of the marriage the authorizing official must also complete the following procedures:

a) Repealed;
b) will record the formalization of the marriage on the identity cards of both spouses, unless they do not have them due to a provision of the law."

THIRTY-FIRST: Articles 70 and 72 of Section Three "On the registration of marriage", of Chapter III "On the registrations, books and certifications of the Civil Registry", of Law No. 51, of July 16, 1985, "On the Civil Registry", are hereby amended as follows:

CHAPTER III

REGISTRATIONS, BOOKS AND CERTIFICATIONS FROM THE CIVIL REGISTRY

SECTION THIRD

From the registration of marriage

"ARTICLE 70. The marriage will be formalized with the solemnity and dignity that the act requires due to its social significance, appearing before the authorizing official

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the contracting parties or one of them and the person to whom the absent party grants special power to represent him, accompanied by two adult witnesses who are not relatives of the contracting parties within the second degree."

"ARTICLE 72. Marriage is proven by the certification of its registration in the Civil Registry."

THIRTY-SECOND: Modify the name of the Second Section "On the summons for the registration of the birth of the child of parents not united in a marriage formalized or judicially recognized", of Chapter IV "On the registration of birth", of Resolution 249 of the Minister of Justice, of December 1, 2015, containing the "Regulations of the Civil Status Registry Law", which will be named as follows: SECOND SECTION

"On the summons for the registration of the birth of a child of unmarried parents"

THIRTY-THIRD: The first paragraph of Article 96 is modified and the remaining text of Section Six "Names and Surnames" of Chapter IV "Birth Registration" of Resolution 249 of the Minister of Justice, dated December 1, 2015, containing the "Regulations of the Civil Registry Law" is maintained, which is worded as follows:

CHAPTER IV

BIRTH REGISTRATION

SECTION SIX

Of the names and surnames

"ARTICLE 96. The first surname of the children shall be the father's first surname, and the second surname shall be the mother's first surname, without prejudice to any agreement reached to establish a different order, which shall remain the same for the rest of the common daughters and sons, except in the cases provided for in…"

THIRTY-FOURTH: Article 113 is amended with regard to the repeal of paragraph b); paragraph b) of Article 114 and the repeal of its paragraph d); and Articles 115 and 116 of the First Section "On the registration and formalization of marriage", of Chapter V "On marriage", of Resolution 249 of the Minister of Justice, dated December 1, 2015, containing the "Regulations of the Civil Registry Law", which are worded as follows:

CHAPTER V

OF MARRIAGE

FIRST SECTION

Registration and formalization of marriage

"ARTICLE 113. The registration of the marriage is carried out by the registrar at the moment in which the formalization of the act is authorized or in accordance with:

a) The authorized copy of the notarial document;

b) repealed;

(c) documents authorized by the persons referred to in Articles 10, 11, 20, and 67 of the Law; or (d)

documents certifying religious marriages celebrated from January 1, 1885, to August 18, 1918, inclusive, in accordance with the requirements established in the Regulations of this Law."

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"ARTICLE 114. Applications to formalize marriage shall be submitted by interested parties to any registry office or notary.

The official who receives the request will create a file that will contain, where appropriate, the following documents:

a) Official form containing the declaration referred to in Article 61 of the Law, signed by the applicants and, on the back, the personal information of the witnesses;

b) the certification referred to in Article 64 of the Law; c) a copy of

the special power of attorney, if the person is an attorney; **d)**

a repealed

power of attorney; and e) a certification of the marital status of the Cuban spouse whose previous marriage has been terminated.

"ARTICLE 115. Marriage shall be formalized with the solemnity and dignity that the act requires due to its social significance and, in any case, articles 204 to 208, both inclusive, of the Family Code shall be read to the contracting parties before ratification."

"ARTICLE 116. The registration entry of a marriage formalized in imminent danger-

The death penalty shall be understood as conditional and shall be recorded as such by means of a marginal note.

To validate the marriage referred to in this article, compliance with the requirements indicated in the last two paragraphs of Article 61 and those provided for in Articles 63, 64 and 69, all of the Law, will be required, where applicable.

The validation of the marriage will be recorded by means of a marginal note."

THIRTY-FIFTH: Modify Article 121 of Section Two "On the formalization of marriage between Cubans and foreigners", of Chapter V "On marriage", of Resolution 249 of the Minister of Justice, dated December 1, 2015, containing the "Regulations of the Civil Registry Law", as drafted by Resolution 218, dated March 30, 2020, of that same Minister, which is worded as follows:

CHAPTER V

OF MARRIAGE

SECOND SECTION

On the formalization of marriages between Cubans and foreigners

"ARTICLE 121. The application for obtaining the certification referred to in the previous article is submitted directly by the interested party or by his voluntary representative, to: a) The Cuban consular or

diplomatic official abroad, who forwards it, through the corresponding Directorate of the Ministry of Foreign Affairs, to the Special Registry of Civil Status of the Ministry of Justice;

b) the registrar of the Civil Registry where his birth is recorded or where he corresponds to your home.

The registrar who receives the application verifies, ex officio, the data relating to the identity entity and marital status of the person interested in obtaining the certification."

THIRTY-SIXTH: The common-law partner or the surviving member of the common-law partner is understood to be included, unless otherwise provided by law, in any rule of the legal system in which reference is made to the spouse or the surviving spouse.

THIRTY-SEVENTH: All references to "parental authority" that appear in the Cuban legal system is replaced by "parental responsibility".

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THIRTY-EIGHTH: Section k) of Article 609.1 of the Code of Processes that refer to the judicial authorization of marriage.

THIRTY-NINTH: The Ministry of Public Health, within 30 days, shall issue the legal regulations on assisted reproduction and other regulations necessary for the implementation of this Code, in accordance with its functions.

FORTIETH: The Ministry of Labor and Social Security, upon approval of this Code, shall issue legal regulations on maternity and paternity protection for commissioning mothers and fathers and for surrogate mothers, as well as for the protection of the rights of family caregivers, as appropriate, within its scope of jurisdiction.

FORTY-FIRST: The Ministry of Justice, within 30 days of the approval of this Code, shall issue the legal regulations on the Family Advocacy Office in coordination with the corresponding agencies.

FORTY-SECOND: All agencies of the Central State Administration, from the approval of this Code, dictate the legal provisions that proceed for its implementation in accordance with their respective missions.

FORTY-THIRD: The Family Code, Law No. 1289, of February 14, 1975, and any other legal or regulatory provision that conflicts with this Code are hereby repealed.

FORTY-FOURTH: This Code is published in the Official Gazette of the Republic of Cuba for general knowledge.

FORTY-FIFTH: This Code enters into force once ratified in the Popular Referendum to which it is subject by constitutional mandate.

PUBLISH in the Official Gazette of the Republic of Cuba.

GIVEN in the Session Room of the National Assembly of People's Power, Convention Palace, in Havana, on the twenty-second day of the month of July 2022, “Year 64 of the Revolution.”

Juan Esteban Lazo Hernández
President of the National Assembly
of People's Power

Miguel Mario Díaz-Canel Bermúdez
President of the Republic of Cuba